

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**RENEE RICHARDSON**  
*Plaintiff*

**VS.**

**THE MEDICAL TEAM, INC., d/b/a**  
**THE MED TEAM, INC.**

*Defendant*

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**CIVIL ACTION NO. 5:18-cv-00151-FB**

**PLAINTIFF’S RESPONSE TO DEFENDANT’S MOTION FOR SUMMARY  
JUDGMENT**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE FRED BIERY:

Comes now **RENEE RICHARDSON** (“Ms. Richardson”), Plaintiff in the above entitled and numbered action against Defendant **THE MED TEAM, INC.** (“Med Team”), alleging discrimination and retaliation based on race, and files this Plaintiff’s Response to Defendant’s Motion for Summary Judgment, and for cause shows unto the Court the following:

**I. PARTIES**

1. Plaintiff **RENEE RICHARDSON** is a former employee of Defendant “Med Team” employed as a Branch Manager over a New Braunfels branch of Defendant. Plaintiff alleges race discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended, codified under Title 42 U.S.C. Section 2000e *et. seq.*, and pursuant to supplemental jurisdiction under Chapter 21 of the Texas Labor Code. She had been a faithful employee of Defendant for over a year and a half and was promoted within four months of being hired by Defendant. The decision to terminate her employment was made on January 20, 2017, the same day she complained of race discrimination in an email sent to HR Representative Sarah Gogo.<sup>1</sup> Plaintiff

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<sup>1</sup> Exhibit A: January 20, 2017 email from Renee Richardson to Sarah Gogo

was the only black branch manager and the only branch manager to complain of race discrimination.<sup>2</sup> 5 of the 7 branch managers worked at branches with falling census numbers, but none were disciplined for census except for Plaintiff, who was terminated. The decision to terminate Plaintiff was made the same day she sent an email to HR complaining of race discrimination. These factors alone create enough fact issues to preclude Defendant's motion for summary judgment.

2. Defendant **THE MEDICAL TEAM, INC., d/b/a THE MED TEAM, INC.**, is a corporation that provides home healthcare provider services and operates home healthcare agencies. Defendant had a census that tracked the retention of billable patients or growth in the number of billable patients.<sup>3</sup>

## **II. RELEVANT FACTUAL BACKGROUND**

3. It is against federal law for a company to terminate an employee for complaining of or reporting to human resources race discrimination. Defendant does not have a written retaliation policy. Defendant terminated Plaintiff Richardson for performance, an employee with excellent performance history. Defendant's corporate representatives testified that it made the decision to terminate Plaintiff for two years of bad performance related solely to low census numbers on the same day she sent an email to human resources complaining of race discrimination. Plaintiff's evaluations demonstrate that she was receiving 4 out of 5, or "commendable" evaluations. Defendant testified that five of seven branches in the State of Texas had problems with the census. Defendant testified that per the nature of their business there are always issues with census. Defendant testified that census is not in Plaintiff's job description. Defendant testified that other employees responsible for the census at Plaintiff's branch were not disciplined nor terminated.

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<sup>2</sup> Ex. C: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Ryan Grisard, Pg. 44 Ln. 22-25 to Pg. 45 Ln. 6

<sup>3</sup> Ex. C: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Ryan Grisard, Pg. 44 Ln. 4-14

Defendant testified they have never fired a branch manager for the census besides Plaintiff. Prior to Plaintiff's termination, Defendant was "looking for an email" that they claim they never received and had no notice of, which on its face lacks credence. It was not HR Representative Sarah Gogo's birthday and there was no reason to anticipate an email from Plaintiff, so she was not sitting by her email anticipating an email from Ms. Richardson, nor was there any scheduled email from Ms. Richardson on that day for Defendant to search except the one email regarding discrimination.

7. Pursuant to Federal Rule of Civil Procedure Rule 30(b)(6), Richardson asked for the deposition of a corporate representative to testify on behalf of Defendants regarding a number of separate areas relevant to her claims and the Defendants' asserted defenses. On November 28, 2018, Defendant Produced Corporate Representatives Human Resources Manager Tia Jackson and Chief Financial Officer Ryan Grisard. HR Manager Jackson was produced to speak on corporate representative topics to include the employee personnel file and the employee handbook, guidelines, policies, and practices, including those that apply to complaints of and investigations into discrimination, harassment, and retaliation. CFO Ryan Grisard testified about Plaintiff's termination, job performance, the decision makers related to termination, the corporate structure, and Plaintiff's job duties and performance of the branch where she worked. Their testimony, along with that of Plaintiff and former HR Representative Sarah Gogo, provides in relevant part the following:

***Testimony of Human Resources Manager Tia Jackson***

- a. Defendant has a discrimination and anti-harassment policy, but Defendant does not have a written policy against retaliation for employees making protected complaints.<sup>4</sup>

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<sup>4</sup> Ex. B: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Tia Jackson, Pg. 20 Ln. 2-7

- b. HR Manager Jackson testified that it is important to protect employees who complain of discrimination and to have a thorough investigation of complaints of discrimination.<sup>5</sup>
- c. HR Manager Jackson testified that the appropriate time period to respond to a written complaint of discrimination is within 24 hours. She further testified that witness statements should be gathered in an investigation.<sup>6</sup> Defendant never responded to Plaintiff's opposition to race discrimination, instead pretending it never received the email opposing discrimination.
- d. HR Manager Jackson testified that Defendant gave performance evaluations annually to apprise employees of how they are performing and to let them know where they can improve. The scale rating was 1 to 5, with 5 being the best performance possible. A 3 indicates the employee is meeting expectations. There is a comment box for additional comments by the supervisor or manager rating the employee. Plaintiff Richardson received predominately 4's, which indicated her performance was "commendable." HR Manager Jackson testified that Ms. Richardson's performance was commendable based on her performance evaluations and she *WOULD NOT have had performance issues as an employee and also had the scores she received in her evaluations.*<sup>7</sup> Ms. Richardson's performance was ranked in 12 categories. On 9 areas she received a 4 out of 5, or commendable, and on 3 out of 5 she met expectations.<sup>8</sup>
- e. Ms. Richardson was promoted within four months of being employed by Defendant. Employees are promoted after consideration of several "factors" to include not only their actual credentials and skills, but also their overall performance, character, and initiative as an

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<sup>5</sup> Ex. B: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Tia Jackson, Pg. 23 Ln. 25 to Pg. 24 Ln. 7

<sup>6</sup> Ex. B: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Tia Jackson, Pg. 26 Ln. 1-24

<sup>7</sup> Ex. B: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Tia Jackson, Pg. 28 Ln. 6 to Pg. 29 Ln. 15; Ex. B: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Tia Jackson, Pg. 33 Ln. 22-25 to Pg. 34 Ln. 8; Ex. B: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Tia Jackson, Pg. 44 Ln. 8-14

<sup>8</sup> Ex. B: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Tia Jackson, Pg. 39 Ln. 14-25 to Pg. 40 Ln. 1



employee. Jackson confirmed that an employee who was hired then promoted within four months after hire had proven to their employer they are excelling in these “factors.”<sup>9</sup>

- f. Defendant has a progressive discipline policy. If an employee is performing below par or not to Defendant’s satisfaction, they are first provided a verbal notice, then written notice, then a performance improvement plan.<sup>10</sup> Defendant’s Corp Repo Grisard claimed there were attempts to provide verbal warnings to Plaintiff, but this is in the face of Defendant’s responses to discovery and the evidence in the record.

***Testimony of former Human Resources Representative Sarah Gogo***

- a. Former HR Representative Sarah Gogo said that she never received Plaintiff’s complaint of discrimination via email.
- b. Sarah Gogo testified that CFO Grisard showed up to her office to search for the email she alleges she never received prior to Plaintiff Richardson’s termination.<sup>11</sup>

***Testimony of Chief Financial Officer Ryan Grisard***

- a. CFO Grisard testified he wasn’t aware that Plaintiff complained of discrimination via e-mail until after Plaintiff was terminated, in direct conflict with the testimony of Sarah Gogo.<sup>12</sup>
- b. CFO Grisard testified he did not know about the January 20, 2017 email complaining of race discrimination, but that the decision to terminate Plaintiff was made either the same day, or the day before or after.<sup>13</sup> Specifically he testified:

Q. And based on the testimony provided by  
25 Ms. Jackson, she -- in fact, the only evidence of her

<sup>9</sup>Ex. B: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Tia Jackson, Pg. 30 Ln. 14-25 to Pg. 31 Ln. 1

<sup>10</sup> Ex. B: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Tia Jackson, Pg. 36 Ln. 20-25 to Pg. 37 Ln. 22

<sup>11</sup> Ex. D: Deposition Testimony of Sarah Gogo

<sup>12</sup> Ex. C: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Ryan Grisard, Pg. 13 Ln. 18-25

<sup>13</sup> Ex. C: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Ryan Grisard, Pg. 14 Ln. 1-20

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1 performance, at least in her evaluations, is that she  
2 was commendable as an employee, correct?

3 A. Sure.

4 Q. Okay. So, she's got commendable performance,  
5 she has no prior discipline, but around the same day she  
6 complains about being treated differently for being a  
7 black woman, the decision is made to terminate her,  
8 correct?

9 A. Correct.

c. Grisard testified that Plaintiff Richardson was terminated for performance.<sup>14</sup> He later specified that although there is not a single word about census in her job description<sup>15</sup>, Plaintiff was in fact terminated solely for a lowering of the census.<sup>16</sup> Plaintiff had no other performance issues. He further testified that no similarly situated comparator or branch manager had ever been terminated for census except for Plaintiff Richardson.<sup>17</sup> However, 5 of the 7 branches of Defendant in the State of Texas had a decline in census over the same time period that Ms. Richardson's branch had a decline in census.<sup>18</sup> During the entire time that Ms. Richardson and branch managers at four other branches were employed, there was a decline in census. However, there was never a decision to terminate Ms. Richardson until the same day she complained of discrimination in writing to HR.<sup>19</sup> No other branch managers have been terminated for census.<sup>20</sup> Any low numbers on the census would be the responsibility of the entire team at the branch, including Rea Cazares, whose job responsibilities included marketing directly related to increasing the census.<sup>21</sup> However, none of the employees responsible for the census that worked with Ms. Richardson at her

<sup>14</sup> Ex. C: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Ryan Grisard, Pg. 14 Ln. 21-23

<sup>15</sup> Ex. C: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Ryan Grisard, Pg. 20 Ln. 7-21

<sup>16</sup> Ex. C: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Ryan Grisard, Pg. 20 Ln. 22-25 to Pg. 21 Ln. 7

<sup>17</sup> Ex. C: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Ryan Grisard, Pg. 19 Ln. 13-16

<sup>18</sup> Ex. C: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Ryan Grisard, Pg. 22 Ln. 23-25 to Pg. 23 Ln. 10

<sup>19</sup> Ex. C: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Ryan Grisard, Pg. 23 Ln. 11-13

<sup>20</sup> Ex. C: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Ryan Grisard, Pg. 38 Ln. 9-15

<sup>21</sup> Ex. C: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Ryan Grisard, Pg. 68 Ln. 14-25 to Pg. 69 Ln. 4

branch were disciplined in any capacity. Alan Garza, one of the decision makers in terminating Plaintiff, would have also been responsible for the low census at the New Braunfels' branch.<sup>22</sup> Additionally, Branch Manager Christina Luna's branch had low census, but she never received any discipline related to the census. Instead, Branch Manager Luna was placed on a PIP related to her repeated failures to follow unrelated policies of Defendant.<sup>23</sup>

- d. Plaintiff complained that Alan Garza discriminated against her because she was a black woman in her email to HR. Alan Garza was one of the decision makers involved in the decision to terminate Ms. Richardson.<sup>24</sup>
- e. Defendant represents that all other emails transmitted between Plaintiff and Sarah Gogo before and after January 20, 2017<sup>25</sup> (the email opposing and complaining of discrimination) were received without issue, except for one other email complaining of a hostile work environment.<sup>26</sup>
- f. Defendant testified that turnover is high in their industry and that there were always issues with the census.<sup>27</sup> He confirmed that, as a result of high turnover, Defendant needed to work with Plaintiff to improve any issues with the census, indicating they had in fact tried to help her.<sup>28</sup> There is nothing in the record to corroborate that Defendant attempted to help Plaintiff with performance nor that she needed help with performance.

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<sup>22</sup> Ex. C: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Ryan Grisard, Pg. 69 Ln. 5-17

<sup>23</sup> Ex. C: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Ryan Grisard, Pg. 39 Ln. 3-25 to Pg. 40 Ln. 9

<sup>24</sup> Ex. C: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Ryan Grisard, Pg. 26 Ln. 15-25 to Pg. 27 Ln. 1

<sup>25</sup> Ex. C: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Ryan Grisard, Pg. 32 Ln. 21-25 to Pg. 33 Ln. 11

<sup>26</sup> Ex. C: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Ryan Grisard, Pg. 29 Ln. 4-10

<sup>27</sup> Ex. C: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Ryan Grisard, Pg. 35 Ln. 14-25 to Pg. 36 Ln. 7

<sup>28</sup> Ex. C: Nov. 28, 2018 Deposition Testimony of Corp. Rep. Ryan Grisard, Pg. 35 Ln. 18-25 to Pg. 36 Ln. 7

***Deposition Testimony of Plaintiff Renee Richardson***

- a. Prior to Ms. Richardson being hired, the census numbers were declining. As a result, Ms. Richardson brought up the census numbers to Manager Alan Garza.<sup>29</sup> As the corporate representatives testified, census was a problem Defendant always had an issue with over the years as a company and in the industry as a whole.
- b. Renee Richardson was hired by Defendant on or around March 2015 as a Provider Assistance Supervisor (“PAS”). Approximately three months later, Richardson was promoted to Branch Manager of the New Braunfels, Texas location.<sup>30</sup>
- c. As Branch Manager, Renee Richardson supervised administrative assistants, PAS supervisors, and field staff. Richardson was not responsible for supervising the marketer that worked at the New Braunfels branch.<sup>31</sup>
- d. The marketer at the New Braunfels branch, who was not under Plaintiff’s supervision, was Rea Cazares. Rea Cazares was responsible for census number at the New Braunfels branch.<sup>32</sup>
- e. Plaintiff complained to HR that Alan Garzas discriminated against her because she was black.
- f. Alan Garza, Plaintiff’s supervisor, changed Plaintiff from salary to hourly. She was the only employee whose pay structure was changed.<sup>33</sup>

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<sup>29</sup> Ex. E: December 4, 2018 Deposition of Renee Richardson, Pg. 114 Ln. 1-12

<sup>30</sup> Ex. E: December 4, 2018 Deposition of Renee Richardson, Pg 41 Ln. 24-25 to Pg. 42 Ln. 23

<sup>31</sup> Ex. E: December 4, 2018 Deposition of Renee Richardson, Pg. 52 Ln. 24-25 to Pg. 53 Ln 1-5

<sup>32</sup> Ex. E: December 4, 2018 Deposition of Renee Richardson, Pg. 117 Ln. 8-25 to Pg. 118 Ln. 1-6; Pg. 119 Ln. 8-19

<sup>33</sup> Ex. E: December 4, 2018 Deposition of Renee Richardson, Pg. 57 Ln. 9-19

- g. Alan Garza denied Plaintiff resources that her similarly situated employees were not denied.<sup>34</sup> For instance, she was told there was no money in the budget for a computer. Defendant was implementing an electronic visit verification (“EVV”) program that electronically verified patient visits and would require computer use by a staff member.<sup>35</sup> When Executive Rebecca Marquez visited the New Braunfels branch, she comments on the staff not having a computer. When Plaintiff Richardson informed her that Garza had denied it, Marquez made sure that Garza provided the branch with a computer.<sup>36</sup> Alan Garza further denied monitors for another employee on Plaintiff’s staff<sup>37</sup>, and then denied a printer for “budgetary reasons.”<sup>38</sup> This was despite the fact that the printer was used to receive referrals from the State and had been breaking down or “going haywire.”
- h. Alan Garza habitually yelled at and humiliated Plaintiff in front of her co-workers and staff.<sup>39</sup> This included blaming Ms. Richardson for a EVV system failure that was not her responsibility.<sup>40</sup>
- i. When Alan Garza he showed up to terminate Plaintiff, he made a comment about her afro.<sup>41</sup>
- j. Alan Garza excluded Plaintiff from important meetings regarding the New Braunfels Branch.<sup>42</sup>
- k. If Alan Garza wanted Plaintiff to improve her census numbers, he made it hard for her to improve her census. He specifically instructed Plaintiff’s immediate supervisor Christina

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<sup>34</sup> Ex. E: December 4, 2018 Deposition of Renee Richardson, Pg. 58 Ln. 2-4

<sup>35</sup> Ex. E: December 4, 2018 Deposition of Renee Richardson, Pg. 81 Ln. 10-25 to Pg. 82 Ln 1-24

<sup>36</sup> Ex. E: December 4, 2018 Deposition of Renee Richardson, Pg. 82 Ln. 25- Pg. 83 Ln. 1-24

<sup>37</sup> Ex. E: December 4, 2018 Deposition of Renee Richardson, Pg. 84 Ln. 3-22

<sup>38</sup> Ex. E: December 4, 2018 Deposition of Renee Richardson, Pg. 86 Ln. 23-25 to Pg. 87 Ln. 23

<sup>39</sup> Ex. E: December 4, 2018 Deposition of Renee Richardson, Pg. 58 Ln. 7-8

<sup>40</sup> Ex. E: December 4, 2018 Deposition of Renee Richardson, Pg. 90 Ln. 8-24; Pg. 94 Ln. 14-19

<sup>41</sup> Ex. E: December 4, 2018 Deposition of Renee Richardson, Pg. 58 Ln. 14-22

<sup>42</sup> Ex. E: December 4, 2018 Deposition of Renee Richardson, Pg. 58 Ln. 9-13

Hernandez to limit her visits to the New Braunfels Branch, despite Plaintiff not taking up any extra time of Ms. Hernandez.<sup>43</sup>

- l. R.N. Supervisor Christina Hernandez Ayala was Plaintiff's direct supervisor.<sup>44</sup> She directly communicated with Plaintiff regarding many of Alan Garza's discriminatory behavior.
- m. On Friday, January 20, 2017, Plaintiff Richardson sent an email to Corporate HR Representative Sarah Gogo complaining of race discrimination by Alan Garza. Ms. Richardson was sick the next Tuesday through Wednesday. She was terminated the following Friday by Alan Garza.<sup>45</sup>

### **III. THE STANDARD OF REVIEW**

8. Pursuant to the summary judgment standard, Defendant's evidence must be sufficient to allow reasonable and fair-minded people to differ in their conclusions on whether the challenged fact exists; evidence that raises only a speculation or surmise is insufficient. Summary judgment is appropriate when the pleadings, affidavits, and other summary judgment evidence show that no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986).
9. Defendant cannot meet this burden. Defendant, in claiming they did not receive Plaintiff's email, creates fact issues. In not terminating any other similarly situated employees for their lowered census, they create fact issues. Defendant's own HR representative testified that Plaintiff's record demonstrates she was a commendable employee and wouldn't have had

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<sup>43</sup> Ex. E: December 4, 2018 Deposition of Renee Richardson, Pg. 107 Ln. 1-8

<sup>44</sup> Ex. E: December 4, 2018 Deposition of Renee Richardson, Pg. 74 Ln. 2-7

<sup>45</sup> Ex. E: December 4, 2018 Deposition of Renee Richardson, Pg. 173 Ln. 23-25 to Pg. 174 Ln. 1-24; Pg. 171 Ln. 9-13

performance issues based on her performance evaluations, Defendant creates fact issues. Defendant's failure to document any performance issues of Plaintiff further creates fact issues. Defendant's failure to discipline comparators for the same decline in census creates fact issues. Defendant's motion should be denied.

10. Employment-discrimination cases employ a unique burden-shifting analysis. Plaintiff is entitled to a presumption of discrimination if she meets the minimal initial burden of establishing a *prima facie* case of discrimination. **McDonnell Douglas Corp. v. Green**, 411 U.S. 792, 802-05 (1973). Although the precise elements of the *prima facie* showing vary depending on the circumstances, the plaintiff's burden at this stage of the case "is not onerous." **Mission Consolidated Independent School District v. Garcia**, 372 S.W.3d 629, 634 (Tex.2012) (internal citation omitted). "The **McDonnell Douglas** presumption is 'merely an evidence producing mechanism that can aid the plaintiff in [her]ultimate task of proving illegal discrimination by a preponderance of the evidence.'" **Id.** "The *prima facie* case raises an inference of discrimination only because we presume these acts, if otherwise unexplained, are more likely than not based on the consideration of impermissible factors." **Id.**
11. If a plaintiff successfully demonstrates a *prima facie* case, the burden of production shifts to the defendant employer to show a legitimate and non-discriminatory basis for the adverse employment decision. **McDonnell Douglas**, 411 U.S. at 802. "If the defendant employer demonstrates a non-discriminatory reason for its employment action, the plaintiff must show that the defendant's proffered reason is merely a pretext." **Id.** at 804. Here, Defendant cannot provide a reason for termination that is not pretextual. Defendant's motion should be denied.
12. The Supreme Court of the United States, in reversing a summary judgment affirmed by the Fifth Circuit, recently reminded us that courts cannot resolve genuine disputes of fact in favor

of the moving party, especially where there are competing affidavits. *Tolan v. Cotton*, 134 S. Ct. 1861, 1868 (May 5, 2014); See also *Brosseau v. Haugen*, 543 U.S. 194, 195, n. 2, 125 S.Ct. 596, 160 L.Ed.2d 583(2004)(per curiam). In ruling on a motion for summary judgment, a judge's role is to determine whether there is a genuine issue for trial, not "to weight the evidence and determine the truth of the matter." *Tolan v. Cotton* at 1866. The fundamental principal at the summary judgment stage of a case is that all reasonable inferences should be drawn in favor of the nonmoving party. *Id.*

13. Moreover, the Supreme Court, reiterated the importance of a jury as opposed to a single judge deciding the facts, most recently announcing in *Hana Financial, Inc., v. Hana Bank*, \_\_ S.Ct. , 2015 WL 248559 (Jan.21, 2015):

Indeed, we have long recognized across a variety of doctrinal contexts that, when the relevant question is how an ordinary person or community would make an assessment, the jury is generally the decisionmaker that ought to provide the fact-intensive answer. See, e.g., *United States v. Gaudin*, 515 U.S. 506, 512, 115 S.Ct. 2310, 132 L.Ed.2d 444 (1995) (recognizing that "delicate assessments of the inferences a 'reasonable [decisionmaker]' would draw ... [are] peculiarly one[s] for the trier of fact" (quoting *TSC Industries, Inc. v. Northway, Inc.*, 426 U.S. 438, 450, 96 S.Ct. 2126, 48 L.Ed.2d 757 (1976); first alteration in original)); *id.*, at 450, n. 12, 96 S.Ct. 2126 (observing that the jury has a 'unique competence in applying the reasonable man standard'); *Hamling v. United States*, 418 U.S. 87, 104<sup>c</sup>105, 94 S.Ct. 2887, 41 L.Ed.2d 590 (1974) (emphasizing the ability of the juror to ascertain the sense of the average person by drawing upon his own knowledge of the views of the average person in the community or vicinage from which he comes and his knowledge of the propensities of a reasonable person); *Railroad Co. v. Stout*, 17 Wall. 657, 664, 21 L.Ed. 745 (1874) (It is assumed that twelve men know more of the common affairs of life than does one man, [and] that they can draw wiser and safer conclusions from admitted facts thus occurring than can a single judge).

*Id.*, 2015 WL 248559 at pp.4-5 (hn 5).

#### **IV. METHOD OF PROOF**



14. Direct evidence is rare in employment cases. As one court once put it, “[e]mployers rarely leave concrete evidence of their retaliatory purposes and motives.” *Nowlin v. Resolution Trust Corp.*, 33 F.3d 498, 508 (5th Cir. 1994). Another court put it this way:

Unless the employer is a latter-day George Washington, employment discrimination is as difficult to prove as who chopped down the cherry tree. (Citation omitted). Employers are rarely so cooperative as to include a notation in the personnel file, fired due to age, or to inform a dismissed employee candidly that he is too old for the job. *Thornbrough v. Columbus & Greenville R.R. Co.*, 760 F.2d 633, 640–41 (5th Cir. 1985).

15. As a result, and “to ease the evidentiary burden on employment plaintiffs, most employment cases turn on circumstantial evidence, which is not only sufficient, but may also be more certain, satisfying and persuasive than direct evidence.” *Desert Palace v. Costa*, 539 U.S. 90, 100 (2003).

## **V. PLAINTIFF’S SUMMARY JUDGMENT RESPONSE EVIDENCE**

16. Plaintiff relies upon and incorporates herein the pleadings on file with the court (and requests the court take judicial notice of the court file), and Plaintiff’s exhibits attached to her Appendix, EX. 1, filed with this response, including the deposition of Defendant’s Corporate Representatives and former HR Representative Sarah Gogo. Plaintiff further relies on her own testimony in her deposition.

## **VI. ARGUMENTS AND AUTHORITIES**

### **A. PLAINTIFF ESTABLISHES EACH ELEMENT OF HER PRIMA FACIE CASE FOR RETALIATION BASED ON RACE**

17. Defendant took an adverse employment action against Plaintiff because of her opposition in writing to race discrimination in violation of Title VII of the Civil Rights Act of 1964 as amended and the Texas Commission on Human Rights Act codified as Chapter 21 of the Texas Labor Code.

18. Following the framework for a Title VII or Chapter 21 claim, Plaintiff must first establish her prima facie case of retaliation. To establish a claim of retaliation, an employee must establish the following three elements:

(1) That s/he engaged in activity protected by the applicable statutes; (2) that s/he suffered from an adverse employment action; and (3) that there is a causal connection between the taken protected activity and the adverse employment action. *See City of Waco v. Lopez*, 259 S.W.3d 147, 150 (Tex.2008) (protected activity under the TCHRA includes: (1) opposing a discriminatory practice; (2) making or filing a charge; (3) filing a complaint; or (4) testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing). *See also Lopez v. Tex. State Univ.*, 368 S.W.3d 695,703 (Tex. App.—Austin 2012, pet. denied). So long as a Plaintiff meets the “minimal” initial burden of establishing a prima facie case, she is entitled to a presumption of retaliation. *Mission Consolidated Independent School District*, 372 S.W.3d at 634, *citing Texas Dep't of Cmty. Affairs v. Burdine*, 450 U.S. 248, 254, 101 S.Ct. 1089, 67 L.Ed.2d 207 (1981). The causal link required by the third prong does not rise to the level of a “but for” standard at the prima facie stage. It is undisputed that Ms. Richardson sent an email on January 20, 2017 alleging she was being discriminated against because of her race, meeting her first element. Defendant instead tries to dispute this email by saying that it was not received, the only email never sent or received to not reach its destination between Sarah Gogo and Plaintiff besides one other email alleging hostile work environment. Defendant’s assertions lack credence.

19. Additionally, it is undisputed that Ms. Richardson meets her second element: an adverse employment action occurred when the decision to terminate Ms. Richardson was made the

same day she complained of race discrimination. Ms. Richardson was terminated within one week of complaining of race discrimination.

20. Thus, Ms. Richardson must show whether a *causal nexus* exists between Richardson's protected activity and her termination. Temporal proximity between a protected activity and an adverse employment action may be sufficient circumstantial evidence to justify an inference of retaliatory motive. *Martin v. Kroger Co.*, 65 F. Supp. 2d 516 (S.D. Tex. 1999). Temporal proximity between an employer's knowledge of protected activity (Complaint to HR or EEOC Charge of Discrimination) and an adverse employment action (termination) suffice as sufficient evidence of causality to establish a prima facie case, particularly where, as in this case, there is other evidence of factors evidencing pretext. *Clark Cnty. Sch. Dist. v. Breeden*, 532 U.S. 268, 273 (2001). In Ms. Richardson's case, the same day she complained of discrimination is the same day a decision to terminate was made.

21. In *Bregon v. Autonation USA Corp.*, 128 Fed. Appx. 358, 361-362 (5th Cir. 2005), the district court concluded that Bregon had not made a prima facie case for retaliatory termination. Specifically, it found that he failed to show that there was a causal connection between the participation in the protected activity ... and the adverse employment action. However, Bregon was fired only a week after he filed his complaint and he offered evidence that people at work were likely aware of his complaint. The appellate court recognized that it had held that the combination of temporal proximity and possibility of knowledge of the complaint is sufficient to satisfy a defendant's prima facie burden for a retaliation claim. Therefore, the court held that Bregon satisfied his burden of proof. In evaluating the "causal link" element of a retaliation claim, the court may consider the following:

22. “Close timing between an employee's protected activity and the adverse action can provide the causal connection required for a prima facie case” of retaliation under the TCHRA and Title VII. *Johnson*, 203 S.W.3d at 11; *Tex. State Office of Admin. Hearings v. Birch*, No. 04–12–00681–CV, 2013 WL 3874473, at \*23 (Tex.App.—San Antonio July 24, 2013, pet. denied) (mem.op.). Periods of three months, four months, and twenty months between an employee's protected activity and the adverse action, however, have been deemed insufficient without other evidence. *Clark County Sch. Dist. v. Breeden*, 532 U.S. 268, 273–74 (2001). *Alamo Heights Indep. Sch. Dist. v. Clark*, 04-14-00746-CV, 2015 WL 6163252, at \*7 (Tex. App.--San Antonio Oct. 21, 2015).
23. Important to our consideration is also the fact that, whether Defendant alleges that the Plaintiff's claims for discrimination do not reach the level of a violation of law, this is irrelevant to whether Plaintiff has met her burden pursuant to a retaliation claim and is not the legal standard in reviewing such a claim. Under prevailing Fifth Circuit authority, it is not necessary for the court to conclude whether or not the alleged complaint regarding harassment or discrimination was in fact a violation of Title VII or not. *Payne v. McLemore's Wholesale and Retail Stores*, 654 F.2d 1130, 1138 (5th Cir.1981). The court need only find that the Plaintiff held a reasonable or good faith belief that the complaint was a genuine complaint of discrimination or harassment. *Jenkins v. Orkin Exterminating Co., Inc.*, 646 F. Supp. 1274, 1278 (E.D. Tex. 1986). Further, the courts have sketched an outline of indicia of causation in Title VII cases, because causation is difficult to prove. Employers rarely leave concrete evidence of their retaliatory purposes and motives. For example, in *Jenkins*, the court looked to three factors for guidance in determining causation. First, the court examined the employee's past disciplinary record. Second, the court investigated whether the employer followed its

typical policy and procedures in terminating the employee. Third, it examined the temporal relationship between the employee's conduct and discharge. *Jenkins*, 646 F. Supp. at 1278. This analysis is highly fact specific, as the Supreme Court recently noted. *St. Mary's*, U.S. at , 113 S. Ct. at 2756 ("the question facing triers of fact in discrimination cases is both sensitive and difficult.") (quoting *United States Postal Service Bd. of Governors v. Aikens*, 460 U.S. 711, 716, 103 S. Ct. 1478, 1482, 75 L. Ed. 2d 403 (1983)). *Nowlin v. Resolution Tr. Corp.*, 33 F.3d 498, 508 (5th Cir. 1994). Here we have a Defendant failing to follow its progressive discipline policy, close temporal proximity, and a Plaintiff with no prior discipline and exemplary evaluations.

24. Plaintiff has established each and every element of her prima facie case.

**B. PLAINTIFF ESTABLISHES EACH ELEMENT OF HER PRIMA FACIA CASE FOR RETALIATION BASED ON RACE**

25. Mrs. Richardson's allegation for discrimination on the basis of race are brought under the Texas Labor Code and Title VII of the Civil Rights Act. To establish a prima facie case, a plaintiff must "provid[e] evidence that she: (1) is a member of a protected class; (2) was qualified for her position; (3) was subject to an adverse employment action; and (4) was replaced by someone outside the protected class or, in the case of disparate treatment, shows that others similarly situated were treated more favorably." *Okoye v. Univ. of Tex. Houston Health Sci. Cntr.*, 245 F.3d 507, 512–13 (5th Cir. 2001) (*Lee v. Mission Chevrolet, Ltd.*, EP-16-CV-00034-DCG, 2017 WL 4784368, at \*18 (W.D. Tex. Oct. 23, 2017). It is undisputed that Plaintiff was in protected class based on race, black, that she was qualified for her job bases on her performance evaluations and discipline history, and that she suffered an adverse employment action, she was terminated. It is also undisputed that Plaintiff was treated less favorably than her similarly situated branch managers. She was the only one disciplined in any capacity for census and 4 others outside of her class were not disciplined for their lowered census numbers.

**C. DEFENDANT’S LEGITIMATE NON-DISCRIMINATORY REASON FOR TERMINATION IS PRETEXTUAL**

26. Once the claimant makes a prima facie showing, the burden shifts to the employer to articulate a legitimate, non-retaliatory reason for the adverse employment action. If the employer meets this burden of production, then the burden shifts back to the Claimant to show that the employer's proffered explanation is a pretext for retaliation. *See Dutton v. Univ. Healthcare Sys., L.L.C.*, 136 Fed. App. 596, 599-600 (5th Cir. 2005). Plaintiff believes Defendant fails to even establish a legitimate non-discriminatory reason for termination. Defendant failed to follow its own progressive discipline policy in terminating the only branch manager that has ever been terminated for low census. At the time Plaintiff was terminated, there were four other branch managers with low census at their branches, and none had received as much as a single write up. This argument goes not only to a lack of legitimate reasons for termination but also that this reason is clearly pretextual, addressed below. Defendant’s motion should be denied

27. A plaintiff may establish pretext either through demonstrating evidence that there is evidence of disparate treatment, by showing that the employer's proffered explanation is false or “unworthy of credence” or that an inference of discrimination is reason for adverse employment action; *Reeves*, 530 U.S. at 143, 120 S.Ct. at 2106. *Laxton v. Gap Inc.*, 333 F.3d 572, 578 (5th Cir. 2003). *De Luna v. Cheers, Inc.*, SA06CV525WRF, 2007 WL 708561, at \*5 (W.D. Tex. Feb. 2, 2007).<sup>46</sup> It has been established that Plaintiff was treated differently

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<sup>46</sup> The Supreme Court, in rejecting the Fifth Circuit's "Pre-Text Plus" standard, explained that the rejection of the defendant's proffered reason for the adverse employment action will permit the trier of fact to infer the ultimate fact of intentional discrimination. *Reeves*, 120 S.Ct. at 2109; *St. Mary's Honor Ctr. v. Hicks*, 509 U.S. 502, 511, 113 S. Ct. 2742, 125 L. Ed. 2d 407 (1993). "Proof that the defendant's explanation is unworthy of credence is simply one form of circumstantial evidence that is probative of intentional discrimination, and it may be quite persuasive." *Id.*, 120 S. Ct. at 2109. **Here Defendant’s proffered reason of terminating plaintiff for census, when no other branch manager has ever been disciplined for census, is patently false**

than other branch managers in discipline and that employees at her branch that were also responsible for census were not disciplined in any capacity.

***28. Pretext can further be shown in a variety of ways (although not all are relevant and there are additional ways of showing pretext):***

**29. Suspicious Timing.** Close timing alone may be sufficient to provide not only a causal connection but also pretext, when the adverse action happens in close proximity to the discrimination complaint. "Close timing between an employee's protected activity and an adverse action against [her] may provide the 'causal connection' required to make out a prima facie case of retaliation." *Swanson v. Gen. Servs. Admin.*, 110 F. 3d 1180, 1188 (5th Cir. 1997), cert. denied, 529 U.S. 948 (1998); *see also Armstrong v. City of Dallas*, 997 F. 2d 62, 27 (5th Cir. 1993) (finding the causal link prong established where "[t]he only evidence available to support an inference of discrimination . . . is the temporal proximity" of the protected activity and the adverse employment action). In numerous cases the Fifth Circuit has recognized that close temporary proximity alone sufficed to establish a causal connection. In the instant case, the Plaintiff was terminated within the same day of sending an email to HR complaining of discrimination.

**30. Lack of Investigation in violation of Defendant's procedures and/or policies.** Defendant failed to conduct any form of a reasonable investigation that would be expected if the allegations in the direct face of what the HR Manager believed was appropriate. Plaintiff's complaints of discrimination were never once looked into, which is further evidence of pretext. *O.C. v. Chevron Phillips Chemical Co., LP*, 570 F.3d 606, 624-625 (5th Cir. 2009) ("jury could find alleged misrepresentation was a pretext because neither decision maker had read the questionnaire or made any effort to investigate whether their medical assumptions were

incorrect, even though the plaintiff had given them info that did not support the assumption; jury reasonably could find that employer first decided to fire plaintiff because of her disability or accommodation requests, "and only afterwards developed the purely pretextual reasons they advanced for their actions." Further, a company's deviation from its own policy or procedure may be evidence of pretext. *Quezada v. Earnhardt El Paso Motors, LP*, 592 F.Supp.2d 915, 923 (W.D. Tex. 2009) (citing *Machinchick v. PB Power*, 398 F.3d 345, 355 n.29 (5th Cir. 2005)); *Mercer v. Arbor E & T, LLC*, 11-CV-3600, 2013 WL 164107, at \*12 (S.D. Tex. Jan. 15, 2013). Defendant failed to follow it's own progressive discipline policies, and didn't even have a retaliation policy in place.

31. **More Favorable Treatment of Employees not Opposing Discrimination and Failure to Apply a Neutral Policy on Discipline and Failure to Follow Procedures.** A lack of a uniformly applied disciplinary process, combined with a lack of a uniformly implemented process for rules regarding the census allows Defendant to pick and choose which employee to use policies against as weapons as opposed to neutral implementations of practice, or alternatively, shows a grave departure from Defendant's alleged normal policies, which is further evidence of pretext, particularly when there is a double standard in the application of the policy. For example, Defendant failed to discipline any other branch managers for low census. Defendant failed to follow it's own progressive discipline policy. Defendant repeatedly indicated to Plaintiff her performance was commendable and above average. Only when she complained of discrimination was she now not doing her job. And regardless of lower census numbers the question still arises, why, if there are months of low census, was the decision to terminate her made when she complained of discrimination? When decision making criteria is entirely subjective, it forces the court to make improper credibility



determinations in the summary judgment context *See Medina v. Ramsey Steel Co.*, 238 F. 3d 674, 681-82 (5th Cir. 2001). Defendant's Motion should be denied.

## **VII. PRAYER**

**WHEREFORE, PREMISES CONSIDERED**, Richardson respectfully prays that Defendant's motion be denied in full; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

**Respectfully submitted,**

**BY: /s/ Thomas N. Cammack, III**

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was forwarded to the following counsel of record by the court's filing system on this the 3rd day of April, 2019:

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**/s/ Thomas N. Cammack, III**  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**RENEE RICHARDSON**

*Plaintiff*

**VS.**

**THE MEDICAL TEAM, INC., d/b/a**

**THE MED TEAM, INC.**

*Defendant*

§

§

§

§ **CIVIL ACTION NO. 5:18-cv-00151-FB**

§

§

§

**APPENDIX FOR PLAINTIFF'S RESPONSE TO  
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

---

**Respectfully Submitted,**

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**/s/ Thomas N. Cammack, III**  
**Thomas N. Cammack, III**

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- a. January 20, 2017 Email from Renee Richardson to Sarah Gogo (**Exhibit "A"**);
- b. Deposition Transcript of Corporate Representative Tia Jackson (**Exhibit "B"**);
- c. Deposition Transcript of Corporate Representative Ryan Grisard (**Exhibit "C"**);
- d. Deposition Transcript of Sarah Gogo (**Exhibit "D"**);
- e. Deposition Testimony of Renee Richardson (**Exhibit "E"**);

# **Exhibit A**

**Renee Richardson**

---

**From:** Renee Richardson  
**Sent:** Friday, January 20, 2017 7:39 AM  
**To:** Sarah Gogo  
**Subject:** NB Situation

**Importance:** High

Good Morning Sarah,

I want to update you on the situation I emailed you about Wednesday, January 18, 2017. I met with Christina and Ms. Harvey in person; and Alan by speaker phone on Wednesday regarding the situation I emailed you about.

The situation remains unresolved until Ms. Harvey meets with Elka. Sarah, given the current situation and past instances, I have always felt like Alan has never supported me or respected me in this position because I am a black woman. The reason I am expressing it now is because of the bias in this situation with Elka and another incident Christina informed me of recently, which I will discuss in the closing of my email.

Although, I have not worked closely with Ms. Harvey, I have always respected her and held her in high regard. However, after meeting with Ms. Harvey on Wednesday, I am still troubled by the handling of the situation and the allegations Elka has made against the staff in the NB office. Ms. Harvey's questions to me, "Is it because she's out of the office most of the time, the reason they don't want to work with her"? This type of questioning without proof, nor having witnessed her being treated inappropriately by others is something I cannot answer. This entire situation has defeated me and has created a hostile work environment, which has made me very uncomfortable. I am using the "open door communication policy" to communicate with you, the HR Corporate Director, or someone who is willing to take an unbiased approach in resolving this matter.

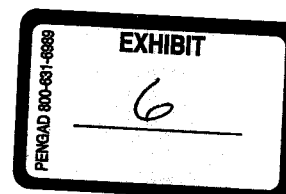
The last concern I have is regarding a written counseling against me regarding a self-reported incident that incurred a monetary fine against the company. I consulted with Christina regarding a case for guidance on how to handle what I considered to be Medicaid Fraud. After Christina reviewed the case, she instructed me to file an APS report which I did immediately. According to Christina, Alan informed her that I will be written up, despite her telling him that she gave me directions on how to handle my findings. I did the responsible thing by obtaining guidance from my superior on an issue. I should not be punished for instructions given to me by my direct boss. I only want to be treated fairly. Based on Alan's insistence that I be written up despite being aware that my actions were based on instructions given to me, reinforces my belief regarding his treatment towards me.

I am following company policy regarding the open door policy. Also, I am only asking that the employees, including myself, to be treated with fairness, dignity, and respect.

Respectfully,

Renee

Renee Richardson  
 Branch Manager  
 MED TEAM, INC.  
 1423 N. Walnut Ave. # 102



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# **Exhibit B**

Transcript of the Testimony of  
**Tia Jackson**

**Date:**

November 28, 2018

**Case:**

RENEE RICHARDSON vs MEDICAL TEAM, et al

Tia Jackson

November 28, 2018

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

RENEE RICHARDSON,	)	
Plaintiff	)	
	)	
VS.	)	NO. 5:18-CV-151-FB
	)	
THE MEDICAL TEAM, INC.	)	
d/b/a THE MED TEAM, INC.,	)	
Defendant	)	

\*\*\*\*\*

VIDEOTAPED DEPOSITION OF

TIA JACKSON

A CORPORATE REPRESENTATIVE OF THE MEDICAL TEAM, INC.

d/b/a THE MED TEAM, INC.

NOVEMBER 28, 2018

\*\*\*\*\*

VIDEOTAPED DEPOSITION of TIA JACKSON, a  
CORPORATE REPRESENTATIVE OF THE MEDICAL TEAM, INC. d/b/a  
THE MED TEAM, INC., produced as a witness at the  
instance of the Plaintiff, and duly sworn, was taken in  
the above-styled and numbered cause on the 28th day of  
November, 2018, from 9:35 a.m. to 10:42 a.m., before  
Naomi R. Peltier, CSR in and for the State of Texas,  
reported by machine shorthand, at the offices of JACKSON  
WALKER, LLP, 112 East Pecan Street, Suite 2400, San  
Antonio, Texas, pursuant to the Federal Rules of Civil  
Procedure.

Tia Jackson

November 28, 2018  
Pages 2 to 5

<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 FOR THE PLAINTIFF: RENEE RICHARDSON</p> <p>4 THOMAS N. CAMMACK, III</p> <p>5 and LORNA GRIFFIN</p> <p>6 PONCIO LAW OFFICES</p> <p>7 5410 Fredericksburg Road, Suite 103</p> <p>8 San Antonio, Texas 78229</p> <p>9 (210) 212-7979</p> <p>10 tcammack@ponciolaw.com</p> <p>11 FOR THE DEFENDANT: THE MEDICAL TEAM, INC. D/B/A THE MED</p> <p>12 TEAM, INC.</p> <p>13 RICK GARZA</p> <p>14 JACKSON WALKER, LLP</p> <p>15 112 E. Pecan Street, Suite 2400</p> <p>16 San Antonio, Texas 78205</p> <p>17 (210) 978-7700</p> <p>18 rgarza@jw.com</p> <p>19</p> <p>20 THE VIDEOGRAPHER:</p> <p>21 NEAL CASTILE</p> <p>22 ALSO APPEARING:</p> <p>23 RYAN GRISARD</p> <p>24</p> <p>25</p> <p style="text-align: center;">* * * * *</p>	<p>Page 2</p> <p>1 THE VIDEOGRAPHER: Today's date is</p> <p>2 November 28, 2018. We're on the record at approximately</p> <p>3 9:35 a.m. to take the oral video deposition of corporate</p> <p>4 representative of The Medical Team, Tia Jackson, in the</p> <p>5 case styled Renee Richardson versus The Medical Team,</p> <p>6 Incorporated, d/b/a The Med Team, Incorporated. By</p> <p>7 previous agreement, we are forgoing the formal federal</p> <p>8 preamble. If the attorneys would introduce themselves,</p> <p>9 and the court reporter can swear in the witness, please.</p> <p>10 MR. CAMMACK: Yes, my name is Thomas</p> <p>11 Cammack. I'm taking this deposition -- or the Poncio</p> <p>12 Law Offices, taking this deposition, and we are here on</p> <p>13 behalf of the Plaintiff, Renee Richardson.</p> <p>14 MR. GARZA: Rick Garza, with Jackson</p> <p>15 Walker, on behalf of The Medical Team.</p> <p>16 THE VIDEOGRAPHER: Thank you.</p> <p>17 MR. CAMMACK: All right. I'm sorry. Go</p> <p>18 ahead.</p> <p>19 TIA JACKSON,</p> <p>20 A CORPORATE REPRESENTATIVE OF THE MEDICAL TEAM, INC.</p> <p>21 d/b/a THE MED TEAM, INC.,</p> <p>22 having been first duly sworn, testified as follows:</p> <p>23 EXAMINATION</p> <p>24 Q. (BY MR. CAMMACK) Okay. And Ms. Jackson, could</p> <p>25 you please state your job title with The Med Team?</p>
<p>Page 3</p> <p>1 I N D E X</p> <p>2</p> <p>3 PAGE</p> <p>4 Appearances .....2</p> <p>5 EXAMINATIONS</p> <p>6 PAGE</p> <p>7 TIA JACKSON</p> <p>8 Examination By Mr. Cammack .....4</p> <p>9</p> <p>10 EXHIBITS</p> <p>11 FIRST</p> <p>12 NO. DESCRIPTION REFERENCED</p> <p>13 1 Deposition Notice .....11</p> <p>14 2 Administrative Employee Handbook .....16</p> <p>15 3 Employee Guide to Workforce HR Self Service</p> <p>16 and Performance Management .....32</p> <p>17 4 Performance Review .....38</p> <p>18</p> <p>19 -o-o-o-</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 5</p> <p>1 A. Human resources manager.</p> <p>2 Q. And what's your full name?</p> <p>3 A. Tia Alisa Jackson.</p> <p>4 Q. Okay. And Ms. Jackson, you currently have been</p> <p>5 designated as a corporate representative to testify on</p> <p>6 their behalf; is that correct?</p> <p>7 A. That's correct.</p> <p>8 MR. CAMMACK: Okay. And now, as far as</p> <p>9 Rick and I were briefly having a discussion, we also</p> <p>10 have another corporate representative that's actually in</p> <p>11 the room right now. Usually, if I'm garnishing</p> <p>12 testimony, I would invoke the Rule, and I would say,</p> <p>13 "Any other witnesses that aren't essential would need to</p> <p>14 leave the room," and my understanding there's a</p> <p>15 disagreement related to that.</p> <p>16 MR. GARZA: Yes, there is a disagreement,</p> <p>17 because what we have done is -- and we've -- we've --</p> <p>18 we -- we -- you and I have spoken about the topics that</p> <p>19 Ms. Jackson is going to testify. And Mr. Grisard, who</p> <p>20 is the other person present, he is the CFO of The</p> <p>21 Medical Team. He's not a -- not a -- a lower level</p> <p>22 employee. He is going to testify regarding the</p> <p>23 remaining items to be discussed.</p> <p>24 MR. CAMMACK: So, if I'm clarifying, the</p> <p>25 understanding you-all have of the Rule is that if</p>

Tia Jackson

November 28, 2018  
Pages 6 to 9

<p style="text-align: right;">Page 6</p> <p>1 someone is a higher level employee, they're allowed to 2 stay in the room while I'm taking deposition testimony 3 of the other employees? 4 MR. GARZA: It is -- It is -- My 5 understanding of the Rule is that a -- at each 6 deposition, the corporation has a right to have a 7 corporate rep -- corporate representative at, and attend 8 that deposition. 9 MR. CAMMACK: And what is -- 10 MR. GARZA: And so -- 11 MR. CAMMACK: -- Ms. Jackson's role? 12 MR. GARZA: Her role here is to testify 13 regarding certain aspects of the corporate 14 representative deposition. And so, my position is, is 15 that Mr. Grisard can stay in and -- and watch this 16 deposition to the extent that Ms. Jackson is being 17 examined. 18 MR. CAMMACK: And -- And I think the whole 19 purpose of the Rule is to get the individuals' testimony 20 one by one. She's been designated on specific topics -- 21 in fact, we just went over it. It's 3, 8, 12, 38, 39, 22 40, 41, and 42, as a corporate representative, which she 23 just testified she is a corporate representative. 24 MR. GARZA: Yes. 25 MR. CAMMACK: So, her role is fulfilling</p>	<p style="text-align: right;">Page 8</p> <p>1 calling the Court about, but I think it's essential that 2 we go through the process. And the process is that 3 she's here, she's the corp rep, she's allowed to have 4 counsel here, but there's not supposed to be other 5 people here. Let's say you had five corporate reps here 6 that were all going to testify today. Is -- Is it my 7 understanding that you're saying all five could sit in, 8 based on the fact they're corporate reps and they'd be 9 providing testimony today? 10 MR. GARZA: No. 11 MR. CAMMACK: Okay. 12 MR. GARZA: No, not necessarily. I mean, 13 if -- if -- if those individuals are providing 14 additional testimony regarding aspects different from 15 what Ms. Jackson is going to testify about, then the 16 corporation has a right to have a representative -- a 17 corporate representative. It doesn't mean that we can 18 bring in a hundred people in -- nor can we bring other 19 witnesses in -- in this deposition to act as the 20 corporate representative. I can't bring in a branch 21 manager of The Medical Team to sit in on this deposition 22 when Mr. Grisard is the CFO upper management and is -- 23 I -- in my -- in my contention, allowed to be present 24 during this particular deposition. 25 MR. CAMMACK: Okay. I mean, I just</p>
<p style="text-align: right;">Page 7</p> <p>1 the role of a corporate representative in her capacity. 2 Why does he need to be present -- or why is he even 3 allowed to be present, pursuant to the Rules, if he's 4 not being asked questions about those -- those specific 5 parameters? 6 MR. GARZA: She testifying regarding those 7 particular topics, and at every deposition a -- the 8 corporation has a right to have a corporate 9 representative attend the deposition. 10 MR. CAMMACK: But she is the corporate 11 rep. 12 MR. GARZA: She's testifying regarding 13 certain aspects. 14 MR. CAMMACK: As the corporate 15 representative. 16 MR. GARZA: Well, certainly. As -- She is 17 going to testify on behalf of the corporation, but it is 18 a separate question as to whether or not the -- the 19 corporation has a right to have a corporate 20 representative present to watch that deposition and to 21 be present during the deposition. 22 MR. CAMMACK: I mean, I -- I disagree with 23 the understanding of it. I've never heard it put that 24 way either. I think this is something -- you know, I 25 don't want to start off so early getting a ruling on or</p>	<p style="text-align: right;">Page 9</p> <p>1 disagree that -- that he's allowed to be here, and I 2 think -- you know, part of the purpose of the rule is 3 that -- so there's not a parroting of testimony by 4 individuals that will be testifying. 5 MR. GARZA: Understood. 6 MR. CAMMACK: And -- 7 MR. GARZA: And -- I'm sorry. Go ahead. 8 MR. CAMMACK: Go ahead. 9 MR. GARZA: I understand that. And the -- 10 the -- the topics -- and that's why we've designated 11 Ms. Jackson to testify regarding certain aspects of 12 those topics. And -- And Mr. Grisard is going to answer 13 questions regarding the other topics that have been -- 14 that have been listed in your deposition notice. 15 MR. CAMMACK: Okay. I mean, I don't 16 see -- 17 MR. GARZA: So, I don't -- I don't see a 18 doubling up of -- of the questions. And if that's what 19 you're -- If that's the intent, then we need to have 20 another discussion. You're not going to ask Ms. Jackson 21 questions and then ask Mr. Grisard the same questions -- 22 MR. CAMMACK: Well, I'm not -- 23 MR. GARZA: -- I assume. 24 MR. CAMMACK: -- going to ask -- I'm -- 25 I'm not here to ask the same questions, but I am going</p>

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<p style="text-align: right;">Page 10</p> <p>1 to, obviously, have some overlap. I have a 2 discrimination/harassment/retaliation case. If she's 3 going to talk about policies and he's going to talk 4 about investigations pursuant to those policies, there's 5 going to be some overlap. Let's say I say, hey -- 6 MR. GARZA: Sure. And I -- And I -- I -- 7 That, I understand. I -- I -- I can see that there 8 would be some overlap, but it's not as if you're asking 9 Ms. Jackson the exact same questions as you're asking 10 Mr. Grisard. So -- So, although there may be some 11 overlap, there's -- there are vast differences, in my -- 12 You're going to be in control of the questions. There 13 are vast differences in what Ms. Jackson is going to 14 testify about as opposed to what Mr. Grisard is going 15 to test about -- 16 MR. CAMMACK: Okay. 17 MR. GARZA: -- testify about. 18 MR. CAMMACK: Can we -- So, do you think, 19 then, that we -- Because my -- my position, I think, is 20 that she can sit here as a representative. You're 21 saying absolutely not, you disagree with that. There's 22 not a way we could agree that he could just not sit in 23 during her testimony? I don't -- I don't see what the 24 point of him would be to be here, in any event. 25 MR. GARZA: Well, I -- I think that -- The</p>	<p style="text-align: right;">Page 12</p> <p>1 representative. Could you turn to the second page with 2 me? 3 A. Okay. 4 Q. My understanding is, one of the topics you've 5 been designated on is number 3, the employee handbook 6 and guidelines. 7 A. Yes. 8 Q. Are you prepared to speak about that today? 9 A. Yes. 10 Q. Okay. And number 8, the employee's personnel 11 file and prior attendance and discipline and prior leave 12 requests? 13 A. Yes. 14 Q. Are you prepared to speak on that today? 15 A. Yes. 16 Q. And number 12, the Defendant's policies related 17 to discipline, including of management and policies of 18 progressive discipline? 19 A. Yes. 20 Q. Are you prepared to speak on that today, as 21 well? 22 A. Yes. 23 Q. Okay. If you could turn a couple of pages with 24 me to the second to the last page until you see topic 25 number 38.</p>
<p style="text-align: right;">Page 11</p> <p>1 point is, is that the corporation has the right to -- 2 to -- to a corporate representative at every deposition. 3 My contention, even at the corporate -- at a corporate 4 representative's deposition. You know, once again, I 5 mean, there may be some -- some small overlap, but 6 Ms. Jackson is designated to testify regarding certain 7 aspects of this case and Mr. Grisard is -- is going to 8 testify regarding other aspects of the case. 9 MR. CAMMACK: Okay. Do you mind if we go 10 off the record and then I make a phone call real quick? 11 MR. GARZA: Sure. 12 MR. CAMMACK: Okay. 13 THE VIDEOGRAPHER: We're off the record at 14 9:43. 15 (Recess 9:43 a.m. to 10:05 a.m.) 16 THE VIDEOGRAPHER: We're back on the 17 record at 10:05. 18 Q. (BY MR. CAMMACK) All right. And I'm sorry, 19 again, could you please state your full name again? 20 A. Tia Alisa Jackson. 21 (Exhibit No. 1 marked.) 22 Q. (BY MR. CAMMACK) Okay, Ms. Jackson. You've 23 been designated to speak on some topics, and you have 24 before you Exhibit Number 1. And Exhibit Number 1 is 25 the notice of intent to take the deposition of corporate</p>	<p style="text-align: right;">Page 13</p> <p>1 A. I'm there. 2 Q. Okay. And number 38, the policies and/or 3 guidelines of Defendant regarding the appropriate or 4 expected manner of conduct between male and female 5 employees. 6 A. Yes. 7 Q. Okay. Number 39, the policies, guidelines, and 8 procedures of Defendant regarding the reporting by 9 employees of sexual harassment or other inappropriate 10 sexual conduct, or of harassment based on race or 11 national origin? 12 A. Yes. 13 Q. Okay. Number 40, the policies, guidelines, and 14 procedures of Defendant regarding the documentation of 15 employees' reports of sexual harassment or other 16 inappropriate sexual conduct, or the documentation of 17 reports of harassment based on race or national origin? 18 A. Yes. 19 Q. Number 41, the policies, guidelines, and 20 procedures of Defendant regarding the investigation of 21 claims made by employees of sexual harassment, or other 22 inappropriate sexual conduct, or of harassment based on 23 race or national origin? 24 A. Yes. 25 Q. And number 42, the policies, guidelines, and</p>

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<p style="text-align: right;">Page 14</p> <p>1 procedures of Defendant regarding the documentation of</p> <p>2 the investigation of claims made by employees of sexual</p> <p>3 harassment, or other inappropriate sexual conduct, or of</p> <p>4 harassment based on race or national origin.</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Have you ever provided a deposition</p> <p>7 before?</p> <p>8 A. No.</p> <p>9 Q. Okay. I'm going to go over some of the ground</p> <p>10 rules of the deposition, a lot of them will make her job</p> <p>11 a little bit easier today.</p> <p>12 A. Okay.</p> <p>13 Q. You're doing a good job today so far. She</p> <p>14 can't record nonverbal responses, or "uh-huhs" or</p> <p>15 "huh-uhs" aren't clear on the record, so if you can</p> <p>16 continue to provide a "yes," "no," or whatever your</p> <p>17 answer is, so we can have a clear record.</p> <p>18 A. Okay.</p> <p>19 Q. And then, she also can't record anytime where</p> <p>20 we're talking over each other. You may know where I'm</p> <p>21 going with a question, I may think I know where you're</p> <p>22 going with an answer, but if you could wait until I</p> <p>23 finish my question, and I'll extend you the same</p> <p>24 courtesy.</p> <p>25 A. Absolutely.</p>	<p style="text-align: right;">Page 16</p> <p>1 A. Yes.</p> <p>2 Q. And if you provide an answer and don't ask me</p> <p>3 to clarify, can we assume that you understood my</p> <p>4 question?</p> <p>5 A. Yes.</p> <p>6 Q. And at the end, I'm going to ask you if you</p> <p>7 need to clarify any of your testimony, but feel free to</p> <p>8 do it on the spot if you need to, you know, make a</p> <p>9 clarification or change to your testimony.</p> <p>10 A. Okay.</p> <p>11 Q. Okay. Thank you.</p> <p>12 (Exhibit No. 2 marked.)</p> <p>13 Q. (BY MR. CAMMACK) I'm going to hand you -- So,</p> <p>14 we'll be skipping back and forth between Exhibit Number</p> <p>15 1, but I'm going to hand you Plaintiff's Exhibit</p> <p>16 Number 2. Are you familiar with this document?</p> <p>17 A. Yes.</p> <p>18 Q. And what is this document?</p> <p>19 A. Employee handbook.</p> <p>20 Q. And when did you first become familiar with the</p> <p>21 employee handbook?</p> <p>22 A. When I was hired in September of 2017.</p> <p>23 Q. Okay. And when you were hired, what did you</p> <p>24 say your job title was? I'm sorry.</p> <p>25 A. Human resources manager.</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. And then, I don't mean you any disrespect by</p> <p>2 this question. I ask this of every witness. And I know</p> <p>3 it's early in the morning, but have you had anything to</p> <p>4 drink today?</p> <p>5 A. Like alcohol?</p> <p>6 Q. Correct.</p> <p>7 A. No.</p> <p>8 Q. All right. And have you taken any medication</p> <p>9 that would affect your memory?</p> <p>10 A. No.</p> <p>11 Q. Is there any reason you couldn't give full and</p> <p>12 truthful testimony today?</p> <p>13 A. No.</p> <p>14 Q. And even though we're in a conference room, is</p> <p>15 it your understanding that your testimony has the same</p> <p>16 weight as it would in a trial?</p> <p>17 A. Yes.</p> <p>18 Q. And you understand that, in the state of Texas,</p> <p>19 it's a third degree felony to purger yourself?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Now, sometimes I get in a rush or I may</p> <p>22 be trying to think of a question and I word it a little</p> <p>23 strange. If you have a problem understanding my</p> <p>24 question or if I word it in a way that doesn't quite</p> <p>25 make sense, could you please ask me to clarify?</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. And you said September of 2017?</p> <p>2 A. That's correct.</p> <p>3 Q. And were you promoted or was this the first</p> <p>4 time you were hired with The Med Team?</p> <p>5 A. That's the first time I was hired with The Med</p> <p>6 Team.</p> <p>7 Q. Okay. And do you have prior experience as an</p> <p>8 HR manager?</p> <p>9 A. Yes.</p> <p>10 Q. Where is your prior experience?</p> <p>11 A. Do you want it all, or my last previous job?</p> <p>12 Q. Your previous job.</p> <p>13 A. I worked for Padgett Stratemann, also known as</p> <p>14 RSM at this point.</p> <p>15 Q. Okay. And how long were you with them?</p> <p>16 A. Two years.</p> <p>17 Q. Okay. I haven't printed out the whole manual,</p> <p>18 I printed out a couple of pages relevant to our case.</p> <p>19 If you could turn to the second page of Exhibit Number 2</p> <p>20 with me.</p> <p>21 MR. GARZA: Just for clarification, would</p> <p>22 you -- let's designate it by the --</p> <p>23 MR. CAMMACK: The Bates?</p> <p>24 MR. GARZA: -- designation number, please,</p> <p>25 yeah.</p>



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<p style="text-align: right;">Page 18</p> <p>1 MR. CAMMACK: Oh, perfect.</p> <p>2 MR. GARZA: That might make it easier.</p> <p>3 Q. (BY MR. CAMMACK) And that's -- that's another</p> <p>4 thing I didn't go over today. So, at the bottom of the</p> <p>5 page, you'll see "Richardson, L," and then a dash and</p> <p>6 some numbers. That means that this document was</p> <p>7 produced in discovery. This particular designation</p> <p>8 means that our office produced it. You'll see some that</p> <p>9 say "Med Team" and some numbers, and that means that The</p> <p>10 Med Team produced those documents.</p> <p>11 But for frame of references, Rick has</p> <p>12 pointed out there's -- there's numbers to which document</p> <p>13 page it is, and so this page in particular is 000421.</p> <p>14 And on this page is the Equal Employment Opportunity</p> <p>15 policy. What's your understanding of this policy?</p> <p>16 A. That we don't discriminate against any employee</p> <p>17 based on race, creed, color, national origin, sex, age,</p> <p>18 or gender, or disability.</p> <p>19 Q. Okay. And when you say you don't discriminate,</p> <p>20 does that mean in making any employment-related</p> <p>21 decisions?</p> <p>22 A. Correct.</p> <p>23 Q. So, if you were to determine whether or not to</p> <p>24 discipline an employee, your -- this policy prevents it</p> <p>25 from being done based on their race?</p>	<p style="text-align: right;">Page 20</p> <p>1 A. I believe it's a separate document.</p> <p>2 Q. Okay. And is -- is there also a separate one</p> <p>3 for retaliation, as well -- an anti-retaliation policy?</p> <p>4 A. No.</p> <p>5 Q. Do you have an anti-retaliation policy that</p> <p>6 you're aware of?</p> <p>7 A. Not that I'm aware of.</p> <p>8 Q. Okay. And is it -- So, it's your understanding</p> <p>9 that the employees are not instructed on retaliation if</p> <p>10 they report discrimination?</p> <p>11 A. They are, but I don't know that it's a separate</p> <p>12 policy.</p> <p>13 Q. Okay. So, they are instructed on it, but</p> <p>14 there's not a written policy indicating who they can</p> <p>15 report to or how to go about reporting it?</p> <p>16 A. Separate from the anti-harassment policy.</p> <p>17 Q. And I didn't understand your answer. You're</p> <p>18 saying there is or isn't one separate?</p> <p>19 A. So, there isn't a specific policy on</p> <p>20 retaliation, but a policy on anti-harassment which</p> <p>21 should include retaliation.</p> <p>22 Q. Okay. And is that harassment specific to</p> <p>23 sexual harassment?</p> <p>24 A. All harassment.</p> <p>25 Q. Okay. So, when an employee says, "I've been</p>
<p style="text-align: right;">Page 19</p> <p>1 A. Correct.</p> <p>2 Q. And if you were to discipline an employee based</p> <p>3 on their race, that would be a violation of this policy,</p> <p>4 correct?</p> <p>5 A. Correct.</p> <p>6 Q. And if you were to suspend an employee based on</p> <p>7 their race, that would be a violation of this policy?</p> <p>8 A. Yes.</p> <p>9 Q. And to terminate an employee based on their</p> <p>10 race would be a violation of this policy?</p> <p>11 A. Yes.</p> <p>12 Q. Now, this -- this policy particularly -- or</p> <p>13 specifically prohibits discrimination. Do you know if</p> <p>14 there's a separate policy that prohibits harassment or</p> <p>15 retaliation?</p> <p>16 A. We have an anti-harassment policy.</p> <p>17 Q. Okay. Is that also in the handbook or in</p> <p>18 another location?</p> <p>19 A. There -- I'm not sure if it's in the handbook.</p> <p>20 I know that there is another policy.</p> <p>21 Q. Okay. Do -- Do you know the name of the policy</p> <p>22 that prohibits harassment retaliation?</p> <p>23 A. It's called anti-harassment.</p> <p>24 Q. Okay. So, is it a separate document or a</p> <p>25 separate policy book?</p>	<p style="text-align: right;">Page 21</p> <p>1 harassed in the workplace," that policy says, based on</p> <p>2 their complaint of harassment, retaliation is</p> <p>3 prohibited?</p> <p>4 A. Correct.</p> <p>5 Q. And are you aware of whether or not</p> <p>6 Ms. Richardson would have signed or reviewed that</p> <p>7 policy?</p> <p>8 A. I am not aware.</p> <p>9 Q. Okay. Currently, what kind of training is</p> <p>10 provided to employees related to the retaliation policy?</p> <p>11 A. Each employee is provided an employee handbook</p> <p>12 and some policies when they are onboarded. There's also</p> <p>13 orientation that they go through. I can only speak to</p> <p>14 from the time that I was hired to the present. So, as</p> <p>15 far as orientation when Ms. Richardson was hired, I</p> <p>16 cannot speak to that.</p> <p>17 Q. Okay. So, currently, employees, they're handed</p> <p>18 a handbook and they're supposed to review it?</p> <p>19 A. Yes. And they sign an acknowledgment that they</p> <p>20 have reviewed it.</p> <p>21 Q. And then, during their initial hiring,</p> <p>22 there's -- there's an orientation checklist they go</p> <p>23 through?</p> <p>24 A. Yes. Now --</p> <p>25 Q. And --</p>



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<p style="text-align: right;">Page 22</p> <p>1 A. -- from September 2017 to present, again, I 2 can't speak on. 3 Q. Oh, sure, sure. So, from September 2017 to 4 present, there's an orientation process. Now, you're 5 saying you can't speak onto it. Is that because that's 6 a new policy, or you're just not aware of prior -- 7 A. I'm not aware of prior. 8 Q. Okay. 9 MR. CAMMACK: Am I talking too fast? 10 THE REPORTER: Yes. 11 MR. CAMMACK: Okay. Sorry. 12 Q. (BY MR. CAMMACK) What all is covered in the 13 orientation as it relates to discrimination retaliation? 14 A. We talk about our anti-harassment policy, we 15 talk about -- Off the top of my head, I can't remember 16 everything that's in the orientation. I'm actually not 17 the one that gives it on a daily -- on a weekly basis. 18 Q. Okay. Beyond the handbook and this 19 orientation, though, is there any additional training 20 provided regarding compliance with discrimination 21 retaliation policies? 22 A. Not unless we do a separate -- if -- if there 23 was an issue in the office and we did, like, a separate 24 training on it. There are annual in-services that 25 they -- that employees take, provided through our HRIS</p>	<p style="text-align: right;">Page 24</p> <p>1 harmed, if they believe they have been discriminated 2 against, correct? 3 A. Correct. 4 Q. And do you think if an employee reports 5 discrimination, it's important to thoroughly investigate 6 that, pursuant to this policy? 7 A. Absolutely. 8 Q. Why is it important to have a thorough 9 investigation related to complaints of discrimination? 10 A. Because we don't -- Well, it's -- it's a strict 11 rule that we don't allow it to happen in the 12 organization, so we need to do our due diligence to make 13 sure an employee feels comfortable when they're working 14 in -- in our agency -- or, period. 15 Q. Now, if an employee -- And I don't know if 16 you're designated -- 17 MR. CAMMACK: Is she designated to talk 18 about, kind of, policies related to the investigation, 19 Rick, or is that going to be more... 20 MR. GARZA: That's going to be 21 Mr. Grisard, I believe. 22 MR. CAMMACK: Say again? I'm sorry. 23 MR. GARZA: I think that's going to be 24 Mr. Grisard -- 25 MR. CAMMACK: Okay. I'll -- I'll --</p>
<p style="text-align: right;">Page 23</p> <p>1 system. It's not a classroom training. 2 Q. Now, what is an annual in-service? You're 3 saying it's online, they go onto -- 4 A. They -- For our agency, we are required to have 5 employees sign off on certain policies on an annual 6 basis, so that's an in-service. 7 Q. Okay. So, annually, an employee, to continue 8 their employment with The Med Team, will go on and click 9 yes that they reviewed the policy? 10 A. Yes. 11 Q. Okay. Is there any other additional training 12 that's provided regarding compliance with the 13 discrimination retaliation policy? 14 A. Not that I'm aware of. 15 Q. Why do you think it's important to have the 16 Equal Employment Opportunity policy? 17 A. Well, the employee needs to know their rights 18 and the company needs to have something to stand on, to 19 allow the employee to know that these are our rules, and 20 its state regulation or federal regulation. 21 Q. Do you think it's also important to protect 22 those employees from any type of discrimination in the 23 workplace? 24 A. Absolutely. 25 Q. And it's also to prevent them from being</p>	<p style="text-align: right;">Page 25</p> <p>1 MR. GARZA: -- I believe. 2 MR. CAMMACK: I'll skip over that then. 3 Q. (BY MR. CAMMACK) If you could turn to the next 4 page, and that's going to be Richardson 425. 5 A. Okay. 6 MR. CAMMACK: I knocked off my microphone. 7 MR. GARZA: And Thomas, I'm assuming you 8 were -- you were going to go down the -- Pertaining to 9 the investigation, you were going to talk -- question 10 about Richardson, any investigation of any complaints by 11 Richardson, or anyone? 12 MR. CAMMACK: I was going to ask her her 13 understanding of just the investigation policies related 14 to complaints of discrimination, in general. 15 MR. GARZA: Okay. I mean, I -- I think -- 16 I think she can -- she can answer that question. 17 MR. CAMMACK: Okay. 18 Q. (BY MR. CAMMACK) Now, if an employee makes a 19 complaint of discrimination, let's say they say, "I've 20 been discriminated because -- against because of my race 21 or my gender," what -- what is the process pursuant to 22 the policy of investigating that complaint? 23 A. A verbal statement of what happened, any 24 witnesses that were present when the situation happened, 25 and then a full investigation of the complaint.</p>

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Pages 26 to 29

<p style="text-align: right;">Page 26</p> <p>1 Q. And so, if I'm understanding you, the first</p> <p>2 step is to get a verbal statement of the complainant?</p> <p>3 A. From the person complaining, yeah.</p> <p>4 Q. And then, to get witness statements?</p> <p>5 A. Not necessarily witness statements, but</p> <p>6 investigate -- or talk to the witnesses. A written</p> <p>7 statement can be requested, yes.</p> <p>8 Q. Okay. And then, any -- just gather facts, in</p> <p>9 general, about what did or didn't happen?</p> <p>10 A. Correct.</p> <p>11 Q. Now, let's say that witness makes a complaint</p> <p>12 to HR specifically, sends an email, sends a letter,</p> <p>13 makes a phone call. Is that process still the same for</p> <p>14 processing the investigation?</p> <p>15 A. Well, if they've written an email, that would</p> <p>16 be a written statement already, so then a conversation</p> <p>17 would need to happen after that.</p> <p>18 Q. Okay. Do you know what the timeline would be</p> <p>19 for, I guess, escalating their complaint or -- or</p> <p>20 responding to their complaint?</p> <p>21 A. Not written, but no more than 24 hours.</p> <p>22 Q. So, 24 hours is an appropriate timeline for</p> <p>23 responding to a complaint of discrimination?</p> <p>24 A. In my opinion.</p> <p>25 Q. Okay. Do you think that more than 48 hours</p>	<p style="text-align: right;">Page 28</p> <p>1 A. To allow them to -- To allow the supervisor and</p> <p>2 the employee to see where they are performing, whether</p> <p>3 or not, you know, they need to work on some things, to</p> <p>4 pat them on the back if they're doing a good job, set</p> <p>5 some goals for the next year.</p> <p>6 Q. Okay. And -- And my understanding is, is that</p> <p>7 there's an -- someone giving an appraisal, someone -- a</p> <p>8 manager or supervisor, correct?</p> <p>9 A. Yes.</p> <p>10 Q. And first, they give a numerical score, a 1 to</p> <p>11 a 5?</p> <p>12 A. Yes.</p> <p>13 Q. And a 1 being as bad as it can be, and a 5</p> <p>14 being as good as the employee can be scored?</p> <p>15 A. Correct.</p> <p>16 Q. And then, after that, there's a comment box for</p> <p>17 the supervisor to further evaluate the employee?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And is it your understanding that a 3</p> <p>20 meets expectations, under that grading system?</p> <p>21 A. Without looking at the document, I believe so,</p> <p>22 but off the top of my head, I can't say that that's -- 3</p> <p>23 is -- meets expectations. I don't --</p> <p>24 Q. Okay. But if 5 is the best you can get, a 4</p> <p>25 would be a high score on the scale?</p>
<p style="text-align: right;">Page 27</p> <p>1 would be way too long to follow up with that</p> <p>2 complainant?</p> <p>3 A. Yes.</p> <p>4 Q. How about a week, would that be way too long to</p> <p>5 respond to a complaint?</p> <p>6 A. Yes.</p> <p>7 Q. And why is that too long to respond to that</p> <p>8 complaint?</p> <p>9 A. Because it could still be happening, one; and</p> <p>10 depending on the situation, it may not be safe. So, as</p> <p>11 soon as possible is always better.</p> <p>12 Q. Would you believe that taking a week to respond</p> <p>13 to that complaint would be a violation of the policies</p> <p>14 of the company?</p> <p>15 A. I can't say it's a violation if there's no</p> <p>16 documentation that says it has to be done in 24 hours.</p> <p>17 Q. I got you. But you find that it's</p> <p>18 inappropriate to take longer than 24 hours?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Now, back to Richardson 425, this is the</p> <p>21 performance reviews policy. Is that your understanding</p> <p>22 of this policy?</p> <p>23 A. Yes.</p> <p>24 Q. And what is the purpose of giving an employee</p> <p>25 an annual performance review?</p>	<p style="text-align: right;">Page 29</p> <p>1 A. Right.</p> <p>2 Q. And 3 is the mid-point between 1 and 5?</p> <p>3 A. So -- Yes.</p> <p>4 Q. Okay. Now, if an employee is -- is not doing</p> <p>5 well, is it the policy to provide specific -- a</p> <p>6 numerical reflection of their scores? For instance,</p> <p>7 something to indicate they need improvement or they're</p> <p>8 not doing their job?</p> <p>9 A. Yes.</p> <p>10 Q. So, if they're not meeting their job</p> <p>11 performance duties, it would be reflected in the numbers</p> <p>12 as -- as a score, correct?</p> <p>13 A. That, as well as a comment --</p> <p>14 Q. Okay.</p> <p>15 A. -- yes.</p> <p>16 Q. So, a combination of both the numbers and the</p> <p>17 comments would say, "Here's an employee who needs to</p> <p>18 improve"?</p> <p>19 A. Yes.</p> <p>20 Q. Or, alternatively, "Here's an employee who's</p> <p>21 doing what they need to do, here's our goals to getting</p> <p>22 them better"?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Now, even if the employee would have</p> <p>25 predominantly 4s, there's always room for improvement</p>

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<p style="text-align: right;">Page 30</p> <p>1 for an employee?</p> <p>2 A. Absolutely.</p> <p>3 Q. And sometimes the room -- Is there ever</p> <p>4 comments in the box that you're aware of that are</p> <p>5 saying, "Hey, this particular branch needs to grow, as</p> <p>6 well as the employee, and here's how we can meet those</p> <p>7 goals"?</p> <p>8 A. Depending on the position, yes.</p> <p>9 Q. Okay. If you could turn to the next page, it's</p> <p>10 Richardson 426. This is the opportunities for</p> <p>11 advancement specific to promotions policy. Is that your</p> <p>12 understanding of this policy?</p> <p>13 A. Yes.</p> <p>14 Q. And it looks like, if you look at the third</p> <p>15 paragraph down, it starts with "Factors," that an</p> <p>16 employee's -- not only their performance, but their</p> <p>17 actual credentials, their skills, their overall</p> <p>18 initiative and character are factors that are considered</p> <p>19 in whether or not to promote an employee, correct?</p> <p>20 A. Correct.</p> <p>21 Q. Now, if an employee is hired, let's say in</p> <p>22 March, and then is promoted, you know, a few months</p> <p>23 later, would you find that that's because it's been</p> <p>24 evaluated that they are -- they are meeting all these</p> <p>25 factors?</p>	<p style="text-align: right;">Page 32</p> <p>1 related to discrimination or harassment?</p> <p>2 A. Not that I'm aware of.</p> <p>3 Q. Okay. Now, if you could turn a couple more</p> <p>4 pages to Richardson 455, and towards the bottom of this</p> <p>5 page it looks like there's a grievance policy. What's</p> <p>6 your understanding of the grievances policy?</p> <p>7 A. If an employee is feeling like they're</p> <p>8 treating -- treated unfairly in regards to policy,</p> <p>9 wages, or any unequal treatment, then they should report</p> <p>10 it.</p> <p>11 Q. And is it your understanding that an employee</p> <p>12 can try and use the grievance process to also complain</p> <p>13 of discrimination and harassment?</p> <p>14 A. If it's against a particular individual, yes.</p> <p>15 Q. Okay. I'm going to hand you what's being</p> <p>16 marked as Plaintiff's Exhibit Number 3.</p> <p>17 (Exhibit No. 3 marked.)</p> <p>18 MR. GARZA: Thank you.</p> <p>19 MR. CAMMACK: Uh-huh.</p> <p>20 Q. (BY MR. CAMMACK) Are you familiar with this</p> <p>21 document?</p> <p>22 A. I have not actually seen it, no.</p> <p>23 Q. Do you-all still use a program called Workforce</p> <p>24 Employee Self Service?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 31</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And what's your understanding of the</p> <p>3 reasons that people are provided promotions? Are they</p> <p>4 handpicked? Do they apply for the jobs? How does that</p> <p>5 usually work?</p> <p>6 A. Could be either/or, it depends on the -- the</p> <p>7 situation. If we have an employee who works in that</p> <p>8 same department and we -- and they meet all these</p> <p>9 requirements, then it may be -- we may feel that it's a</p> <p>10 good idea to push them into another position.</p> <p>11 Q. Okay. And if you could turn to Richardson 449,</p> <p>12 and this is the work environment policy. I believe this</p> <p>13 may be the separate sexual harassment policy you</p> <p>14 mentioned. Is this that one?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. So, this policy specifies that the work</p> <p>17 environment is supposed to be free from any form of</p> <p>18 discrimination or sexual harassment, correct?</p> <p>19 A. Correct.</p> <p>20 Q. An employee who believes they have been a</p> <p>21 victim of discrimination or sexual harassment should</p> <p>22 report immediately to HR?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Do you know if there's any other</p> <p>25 policies besides this one and the one we just observed</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. Okay. And since you were hired on, has that no</p> <p>2 longer been something that's been used?</p> <p>3 A. Correct, because I have never seen it.</p> <p>4 Q. Okay. Do they have some type of program called</p> <p>5 a Performance Management Process, that you're aware of,</p> <p>6 still?</p> <p>7 A. No, not that I'm aware of.</p> <p>8 Q. And have you ever heard them say that they set</p> <p>9 SMART objectives, using SMART as an acronym?</p> <p>10 A. I've seen it, yes.</p> <p>11 Q. Okay. What -- What -- What's your</p> <p>12 understanding of the SMART objective set for a</p> <p>13 manager -- or by managers?</p> <p>14 A. There's specific goals, there are measurable</p> <p>15 goals, actions taken -- I can't remember the -- the</p> <p>16 definition -- I mean the --</p> <p>17 THE VIDEOGRAPHER: Excuse me.</p> <p>18 THE WITNESS: -- what the acronym stands</p> <p>19 for.</p> <p>20 THE VIDEOGRAPHER: -- could you push your</p> <p>21 hair off? Thank you.</p> <p>22 Q. (BY MR. CAMMACK) Okay. If you could turn to</p> <p>23 Richardson 396, it looks like, at the bottom, there's an</p> <p>24 overall performance rating scale. And then, this looks</p> <p>25 like the number system we discussed earlier, the 1 to 5?</p>

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<p style="text-align: right;">Page 34</p> <p>1 A. Yes.</p> <p>2 Q. It has 3 listed as proficient with, in</p> <p>3 parentheses, work is thorough and complete. And a 4 as</p> <p>4 commendable, meaning they regularly meet performance</p> <p>5 levels to ensure successful work completion. Is that</p> <p>6 your understanding that's still the -- the ranking</p> <p>7 system for performance evaluations?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Are you familiar with Ms. Richardson's</p> <p>10 prior evaluations?</p> <p>11 A. No. I mean, I wasn't there.</p> <p>12 Q. Okay. Well, the reason I ask is -- So, you've</p> <p>13 been designated to testify as to the employee's</p> <p>14 personnel file, prior attendance, prior discipline, and</p> <p>15 prior leave requests. So, as to her personnel file,</p> <p>16 what -- what would you have knowledge of and be able to</p> <p>17 testify about?</p> <p>18 A. What do you mean?</p> <p>19 Q. Sure. So, in her personnel file, or at least</p> <p>20 in theory, I assume would be any requests for time off,</p> <p>21 any discipline she's received, any evaluations of the</p> <p>22 employee, any -- any performance improvement plans,</p> <p>23 things of that nature, correct?</p> <p>24 A. Correct.</p> <p>25 Q. So, would her evaluations be separate to her</p>	<p style="text-align: right;">Page 36</p> <p>1 would you be able to say -- to be able to say, "Oh, yes,</p> <p>2 I'm familiar with these performance evaluations," as we</p> <p>3 went over it, or...</p> <p>4 A. Meaning, if you had her evaluation, would I be</p> <p>5 familiar with what's in her --</p> <p>6 Q. Her specific one, yes.</p> <p>7 A. No.</p> <p>8 Q. Okay. Would you be familiar with, kind of, her</p> <p>9 pay stubs and pay structure?</p> <p>10 A. No, not specifics.</p> <p>11 Q. Okay. Do you know if she's ever been</p> <p>12 disciplined prior to her termination?</p> <p>13 A. Off the top of my head, no.</p> <p>14 Q. Off the top of your head, you don't know or she</p> <p>15 hasn't?</p> <p>16 A. No, I do not know.</p> <p>17 Q. Okay. Do you know if she ever requested leave</p> <p>18 requests or had any request for time off from work?</p> <p>19 A. I don't, no.</p> <p>20 Q. Okay. Do you know if the company has a</p> <p>21 progressive discipline policy?</p> <p>22 A. We do.</p> <p>23 Q. What's your understanding of the progressive</p> <p>24 discipline policy?</p> <p>25 A. That it's up to -- it's up to management's</p>
<p style="text-align: right;">Page 35</p> <p>1 personnel file?</p> <p>2 A. No. They would be in her personnel file.</p> <p>3 Q. Okay. Are you familiar, then, with her</p> <p>4 evaluations in her personnel file then?</p> <p>5 A. Meaning, like, what they said or --</p> <p>6 Q. Sure.</p> <p>7 A. No.</p> <p>8 Q. Okay. Is that more of a topic for the other</p> <p>9 corporate representative?</p> <p>10 MR. GARZA: Well, it may be a topic for --</p> <p>11 for Mr. Grisard, but -- but as far as the -- the -- the</p> <p>12 personnel file, the description wasn't as -- didn't get</p> <p>13 into the content or the knowledge of the content --</p> <p>14 MR. CAMMACK: Okay.</p> <p>15 MR. GARZA: -- of the -- of the personnel</p> <p>16 file. So, if -- if you're asking for people who have</p> <p>17 knowledge of the content that's in the evaluations or --</p> <p>18 MR. CAMMACK: I got --</p> <p>19 MR. GARZA: -- anything else --</p> <p>20 MR. CAMMACK: -- what you're saying.</p> <p>21 MR. GARZA: -- I just -- we'll have to</p> <p>22 find out who that would be.</p> <p>23 MR. CAMMACK: Okay.</p> <p>24 Q. (BY MR. CAMMACK) So, let me ask you this. If I</p> <p>25 were to review her performance evaluation with you,</p>	<p style="text-align: right;">Page 37</p> <p>1 discretion on how they want to proceed with the -- the</p> <p>2 employee, meaning that there's no specific "you must do</p> <p>3 this, this, and this first."</p> <p>4 Q. Okay. So, there's a policy in place, though,</p> <p>5 for progressive discipline, correct?</p> <p>6 A. Correct.</p> <p>7 Q. And that policy indicates that if an employee's</p> <p>8 got deficiencies, they could at least help them to meet</p> <p>9 their goals, correct?</p> <p>10 A. Correct.</p> <p>11 Q. And so, if an employee is lacking in, let's</p> <p>12 say, their performance overall, there's a way to give</p> <p>13 them verbal notice of that, right?</p> <p>14 A. Correct.</p> <p>15 Q. And then give them a written notice of that?</p> <p>16 A. Right.</p> <p>17 Q. And then put them on a performance improvement</p> <p>18 plan --</p> <p>19 A. Yes.</p> <p>20 Q. -- so that not only they, but the company, can</p> <p>21 both improve together?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And that's preferable when you have</p> <p>24 someone that's been there for a while, you know, for a</p> <p>25 lot of reasons, but also to include to get them in the</p>



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<p style="text-align: right;">Page 38</p> <p>1 spot they need to be, correct?</p> <p>2 A. Correct.</p> <p>3 Q. And it's also expensive to get a new employee</p> <p>4 in a position that's been fulfilled for a while, right?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. I'm going to see if you have knowledge</p> <p>7 of, otherwise we may ask the next corp rep on -- on her</p> <p>8 actual performance evaluation.</p> <p>9 A. Okay.</p> <p>10 Q. You may -- Because I have actual -- Here, let</p> <p>11 me hand this to Rick first, and see what he...</p> <p>12 MR. GARZA: Thank you.</p> <p>13 (Exhibit No. 4 marked.)</p> <p>14 Q. (BY MR. CAMMACK) But here's Plaintiff's Exhibit</p> <p>15 Number 4 that I've marked. Are you familiar with this</p> <p>16 format for the review of employees?</p> <p>17 A. Yes.</p> <p>18 Q. Is this still the current format?</p> <p>19 A. Yes.</p> <p>20 Q. And on the system, it looks like there's about</p> <p>21 12 categories -- or not on the system -- on the page.</p> <p>22 I'm sorry.</p> <p>23 A. Yes.</p> <p>24 Q. And this is Med Team 311 through 313. And it</p> <p>25 looks like this was given to Ms. Richardson on</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Correct.</p> <p>2 Q. Okay. Now, you had mentioned that if an</p> <p>3 employee reported to HR discrimination, that it had to</p> <p>4 be thoroughly investigated, correct?</p> <p>5 A. Correct.</p> <p>6 Q. Besides taking witness statements, is there any</p> <p>7 other documentation that would be produced within that</p> <p>8 24- to 48-hour period of time regarding the</p> <p>9 investigation?</p> <p>10 A. Not unless there was pictures or something of</p> <p>11 that nature that -- No. I mean...</p> <p>12 Q. So, HR wouldn't put together a separate report?</p> <p>13 A. Oh, yes.</p> <p>14 Q. Okay.</p> <p>15 A. I'm sorry. I must have misunderstood.</p> <p>16 Q. Okay. And I might have worded the question</p> <p>17 strange. So, HR puts together documentation, and what</p> <p>18 kind of documentation do they put together?</p> <p>19 A. Well, I write an investigative report, so</p> <p>20 everybody that I've talked to will be on that -- when I</p> <p>21 talked to them, what day I talked to them, what time I</p> <p>22 talked to them would be on that report.</p> <p>23 Q. Okay. And then -- So, the whos, the whats, the</p> <p>24 wheres, the whens, and the whys?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 39</p> <p>1 April 8th, 2016.</p> <p>2 A. This is to be completed by the appraiser only.</p> <p>3 There is a self evaluation form. So, this was given to</p> <p>4 the manager.</p> <p>5 Q. Okay. So, this is not completed by Alan Garza?</p> <p>6 A. Yes --</p> <p>7 Q. It is --</p> <p>8 A. -- the manager.</p> <p>9 Q. Okay.</p> <p>10 A. You said "Ms. Richardson."</p> <p>11 Q. I'm sorry. But it is completed by Alan Garza,</p> <p>12 reviewing Ms. Richardson?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And Alan Garza went through, and it</p> <p>15 looks like besides two categories -- or I'm sorry --</p> <p>16 three categories, gave her 4 on nine of 12 categories.</p> <p>17 Is that your understanding of this?</p> <p>18 A. That's what it looks like, yes.</p> <p>19 Q. Okay. And then she got 3s on the other three.</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Based on this numerical evaluation, like</p> <p>22 we just discussed, this would indicate that the employee</p> <p>23 was not only meeting expectations, but they were</p> <p>24 commendable in -- in meeting their performance and work</p> <p>25 completion, correct?</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. Okay. And then, from that, do you have a final</p> <p>2 result or a final determination that you -- you also put</p> <p>3 together?</p> <p>4 A. Yes.</p> <p>5 Q. And who -- who are these documents put together</p> <p>6 for or on behalf of? And I can reword that.</p> <p>7 A. Yes, please.</p> <p>8 Q. Sure. So, once you put together this report,</p> <p>9 what's the next step? Who -- Who do you talk to next,</p> <p>10 who is it submitted to next?</p> <p>11 A. I would usually submit it to the corporate</p> <p>12 office, to have them review it.</p> <p>13 Q. Okay.</p> <p>14 A. And, you know, see what their next step -- they</p> <p>15 wanted it to be, depending on the findings. So, if it</p> <p>16 was an unsubstantiated claim, then it doesn't need to go</p> <p>17 any further than that.</p> <p>18 Q. Now, how soon, once you receive a complaint, do</p> <p>19 you notify corporate from the receipt of a complaint?</p> <p>20 A. I'm going to first do the investigation before</p> <p>21 I report it to them.</p> <p>22 Q. Okay. How long would that investigation take?</p> <p>23 A. Depends on how many people are involved. So --</p> <p>24 and whether or not they're there that day, you know,</p> <p>25 their attendance or not. So, it could take a few days,</p>

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<p style="text-align: right;">Page 42</p> <p>1 depending on, you know, the availability of the other 2 employees that I need to speak to. 3 Q. Okay. So, if I say to you, on Monday, "Hey, I 4 think this one individual discriminated against me," 5 based on the fact that it's one individual I'm 6 complaining about and I haven't listed a bunch of 7 witnesses, does that change your time frame at all? 8 A. Yeah. Maybe 48 hours, if I get to talk to all 9 the people involved. 10 Q. And 48 hours within your report being complete 11 and submitted to corporate? 12 A. Yeah. 13 Q. Okay. And then, what's -- Is -- Are you aware 14 of what the next step is, or is that corporate's job to 15 then -- 16 A. They're going to -- We're going to discuss 17 it -- Well, they'll discuss it between those two parties 18 in the corporate office, and then they'll discuss it 19 with me, and then that's it. 20 Q. Okay. And then, do you ever say to that 21 individual, "Here's our determination, we could or 22 couldn't substantiate your claims"? 23 A. Yes. 24 Q. Besides your investigative report, does 25 corporate put together a separate investigative report?</p>	<p style="text-align: right;">Page 44</p> <p>1 A. Uh-huh. 2 Q. But there's some mentions in the written part 3 about the office. And if you'd like, you can take the 4 time to read that, and then I can ask questions about 5 it, or -- or I can just kind of keep with my line of 6 questioning. Which would you prefer? 7 A. You can go on with your questions. 8 Q. Okay. So, she's got -- she's been shown to 9 have 4s, right -- 10 A. Uh-huh. 11 Q. -- overall. If she was having personal 12 performance issues, she wouldn't have predominantly 4s, 13 correct? 14 A. Correct. 15 Q. Okay. I don't believe I have any other 16 questions for you. Did you understand my questions 17 today? 18 A. Yes. 19 Q. Is there any part of your testimony you'd like 20 to clarify? 21 A. No. 22 MR. CAMMACK: All right. Thank you for 23 your time. 24 THE WITNESS: All right. Thank you. 25 MR. GARZA: Take a break.</p>
<p style="text-align: right;">Page 43</p> <p>1 A. I do not know that. 2 Q. Okay. Now, is it discretionary whether or not 3 you submit it to corporate, or is that something that 4 has to be done once the complaint is made? 5 A. I submit it. 6 Q. Okay. If you could look back at Exhibit Number 7 4, to the last page, or Med Team 313. 8 A. Okay. 9 Q. These are comments left by the manager related 10 to what looks like, at least on my review, struggles 11 that the New Braunfels office branch had in -- in 12 general. I mean, without having read the whole thing, 13 is that pretty common for them to discuss what the 14 office is or isn't lacking, the appraiser? 15 A. I would say, depending on the person's 16 position, and then her position as a branch manager, 17 yes. 18 Q. Okay. Now, if I am an appraiser and I've given 19 someone predominantly 4s and a few 3s, if I had problems 20 with their individual performance and not necessarily 21 the branch, would I have reflected that in the numerical 22 evaluations? 23 A. Say that again. I'm sorry. 24 Q. Sure. So, she's got numbers to indicate 25 commendable overall.</p>	<p style="text-align: right;">Page 45</p> <p>1 THE VIDEOGRAPHER: We're off the record at 2 10:42. 3 (Deposition concluded 10:42 a.m.) 4 (Pursuant to FRCP 30(e)(1), request to 5 review the transcript was not made by 6 either deponent or party before the 7 deposition was completed.) 8 * * * * * 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF TEXAS  
3 SAN ANTONIO DIVISION

4 RENEE RICHARDSON, )  
5 )  
6 Plaintiff )  
7 )  
8 VS. ) NO. 5:18-CV-151-FB  
9 )  
10 THE MEDICAL TEAM, INC. )  
11 d/b/a THE MED TEAM, INC., )  
12 )  
13 Defendant )

14 REPORTER'S CERTIFICATE  
15 VIDEOTAPED DEPOSITION OF TIA JACKSON  
16 A CORPORATE REPRESENTATIVE OF THE MEDICAL TEAM, INC.  
17 d/b/a THE MED TEAM, INC.  
18 NOVEMBER 28, 2018

19 I, NAOMI R. PELTIER, Certified Shorthand  
20 Reporter in and for the State of Texas, do hereby  
21 certify to the following:  
22 That the witness, TIA JACKSON, A CORPORATE  
23 REPRESENTATIVE OF THE MEDICAL TEAM, INC. d/b/a THE MED  
24 TEAM, INC., was duly sworn by the officer and that the  
25 transcript of the oral deposition is a true record of  
the testimony given by the Witness.  
I further certify that pursuant to FRCP Rule  
30(e)(1) that the signature of the Deponent:

Page 47

1 \_\_\_\_\_ was requested by the Deponent or a party  
2 before the completion of the deposition and is to be  
3 returned within 30 days from date of receipt of the  
4 transcript.

5 If returned, the attached Changes and Signature  
6 Page contains any changes and the reasons therefor;

7  X  was not requested by the Deponent or a  
8 party before the completion of the deposition.

9 That the amount of time used by each party at  
10 the deposition is as follows:

11 Thomas N. Cammack, III - 1 hour 17 minutes

12 I further certify that I am neither attorney,  
13 nor counsel for, related to, nor employed by any of the  
14 parties to the action in which this testimony is taken.  
15 Further, I am not a relative or employee of any attorney  
16 of record in this cause, nor do I have a financial  
17 interest in the action.

18 SUBSCRIBED AND SWORN TO on this \_\_\_\_\_ day of  
19 \_\_\_\_\_, 2018.

20 *Naomi R. Peltier*

21 Naomi R. Peltier, CSR, RPR  
22 Texas CSR 3672  
23 Expiration: 10/31/21  
24 Kim Tindall & Associates, LLC  
25 Firm No. 631  
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# **Exhibit C**



Transcript of the Testimony of  
**Ryan Grisard**

**Date:**

November 28, 2018

**Case:**

RENEE RICHARDSON vs MEDICAL TEAM

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

RENEE RICHARDSON,	)	
Plaintiff	)	
	)	
VS.	)	NO. 5:18-CV-151-FB
	)	
THE MEDICAL TEAM, INC.	)	
d/b/a THE MED TEAM, INC.,	)	
Defendant	)	

\*\*\*\*\*

VIDEOTAPED DEPOSITION OF

RYAN GRISARD

A CORPORATE REPRESENTATIVE OF THE MEDICAL TEAM, INC.

d/b/a THE MED TEAM, INC.

NOVEMBER 28, 2018

\*\*\*\*\*

VIDEOTAPED DEPOSITION of RYAN GRISARD, a

CORPORATE REPRESENTATIVE OF THE MEDICAL TEAM, INC. d/b/a THE MED TEAM, INC., produced as a witness at the instance of the Plaintiff, and duly sworn, was taken in the above-styled and numbered cause on the 28th day of November, 2018, from 10:52 a.m. to 12:45 p.m., before Naomi R. Peltier, CSR in and for the State of Texas, reported by machine shorthand, at the offices of JACKSON WALKER, LLP, 112 East Pecan Street, Suite 2400, San Antonio, Texas, pursuant to the Federal Rules of Civil Procedure.

Ryan Grisard

November 28, 2018

Pages 2 to 5

1	A P P E A R A N C E S	Page 2	1	I N D E X	Page 4
2			2	(continued)	
3	FOR THE PLAINTIFF: RENEE RICHARDSON		3	EXHIBITS	
4	THOMAS N. CAMMACK, III		4		FIRST
5	and LORNA GRIFFIN		5	NO. DESCRIPTION REFERENCED	
6	PONCIO LAW OFFICES		6	18 4/1/16 Email String Regarding New Braunfels	
7	5410 Fredericksburg Road, Suite 103		7	Client Count .....59	
8	San Antonio, Texas 78229		8	19 4/25/18 Email String Regarding New Braunfels	
9	(210) 212-7979		9	Referrals Report for April 2016 .....61	
10	tcammack@ponciolaw.com		10	20 6/7/16 Email String Regarding Recruiting &	
11	FOR THE DEFENDANT: THE MEDICAL TEAM, INC. D/B/A THE MED		11	Marketing Proposals .....65	
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13	RICK GARZA		13	Marketing Proposals .....65	
14	JACKSON WALKER, LLP		14		
15	112 E. Pecan Street, Suite 2400		15	-o-o-o-	
16	San Antonio, Texas 78205		16		
17	(210) 978-7700		17		
18	rgarza@jw.com		18		
19	THE VIDEOGRAPHER:		19		
20	NEAL CASTILE		20		
21			21		
22			22		
23			23		
24			24		
25			25		

1	I N D E X	Page 3	1	THE VIDEOGRAPHER: Today's date is	Page 5
2			2	November 28, 2018. We're on the record at approximately	
3	Appearances .....	PAGE 2	3	10:52 a.m. to take the oral video deposition of the	
4	EXAMINATION		4	corporate representative of The Medical Team, Ryan	
5	RYAN GRISARD		5	Grisard. By previous agreement, attorneys have agreed	
6	Examination By Mr. Cammack .....	PAGE 5	6	that we will not be doing the formal federal preamble.	
7	EXHIBITS		7	RYAN GRISARD,	
8	NO. DESCRIPTION FIRST		8	A CORPORATE REPRESENTATIVE OF THE MEDICAL TEAM, INC.	
9	1 (Previously marked) .....	7	9	d/b/a THE MED TEAM, INC.,	
10	5 Defendant's Responses and/or Objections to		10	having been first duly sworn, testified as follows:	
11	Plaintiff's First Set of Interrogatories ....	12	11	EXAMINATION	
12	6 1/20/17 Email from Renee Richardson to		12	BY MR. CAMMACK	
13	Sarah Gogo Regarding NB Situation .....	13	13	Q. Good morning, Mr. Grisard.	
14	7 Job Description (Branch Manager) .....	19	14	A. Good morning.	
15	8 Census .....	21	15	Q. Could you please state your full name for the	
16	9 Med Team, Inc. Organizational Chart .....	23	16	record?	
17	10 3/8/17 Email from R. Richardson to S. Gogo,		17	A. Ryan Grisard.	
18	Regarding Pay Stubs .....	29	18	Q. And Mr. Grisard, have you ever been deposed	
19	11 Pay Stubs .....	29	19	before?	
20	12 Performance Improvement Plan .....	39	20	A. I haven't.	
21	13 9/25/15 Email String Regarding Employee		21	Q. I know I went over the rules with Ms. Jackson,	
22	Discharge Project .....	45	22	but I feel comfortable just going through it again with	
23	14 10/8/15 Email String Regarding New Braunfels		23	each --	
24	Visit on 10/5/15 .....	48	24	A. Sure.	
25	15 3/16/16 Email String Regarding Rae Cazares ....	50	25	Q. -- deponent. So, she's going to be writing	

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Pages 6 to 9

<p style="text-align: right;">Page 6</p> <p>1 down everything we're saying. And if you could just  2 wait until I finish my question and I'll wait until you  3 provide your answer, that way we're not talking over  4 each other.  5 A. Okay.  6 Q. And then, you're also doing a good job, if you  7 could please provide verbal responses and make sure to  8 not do "uh-huhs" or "huh-uhs."  9 A. Okay.  10 Q. Now, sometimes I phrase a question in a way  11 where the answer could be, "No, I didn't," or, "No, I  12 didn't know," or you may give an "uh-huh" or "huh-uh."  13 I might press you for a yes or a no. I'm not doing it  14 to mess with you, I'm just trying to get a clear record.  15 A. Okay.  16 Q. And again, I don't mean any disrespect. I ask  17 this question of every deponent. Have you had anything  18 the drink today?  19 A. I have not.  20 Q. Have you taken any medication that would affect  21 your memory?  22 A. No.  23 Q. Do you have any reason you couldn't provide  24 full and truthful testimony?  25 A. I don't.</p>	<p style="text-align: right;">Page 8</p> <p>1 A. Not to my knowledge.  2 Q. And you're not a school?  3 A. Correct.  4 Q. Okay. So, those are in error. I would like  5 to, to the extent I can, still ask you questions about  6 the parameters of those topics, though.  7 A. Okay.  8 Q. And, of course, you know, Rick and I may talk  9 about it when we get to those, whatever -- whatever we  10 want to do on that. But on the first topic on the  11 second page, it's listed any investigation and  12 determination related to the complaints of, termination  13 and/or any prior discipline and/or evaluations of the  14 Plaintiff. Are you able to testify about that today?  15 A. I am.  16 Q. Okay. Number 2, any investigation and  17 determination related to any complaints of harassment,  18 discrimination, termination, and/or retaliation by  19 Plaintiff. Are you able to testify about that today?  20 A. Yes.  21 Q. And then, we're skipping to number 4. Any  22 harassment, discrimination and retaliation policy  23 related to Plaintiff's claims. Are you able to testify  24 about that today?  25 A. Yes.</p>
<p style="text-align: right;">Page 7</p> <p>1 Q. And you understand that, even though we're in a  2 conference room, your testimony has the same weight as  3 if you're talking to a judge or a jury?  4 A. I do.  5 Q. And do you also understand that, in Texas, it's  6 a third degree felony to perjure yourself?  7 A. Yes.  8 Q. Okay. And you are here today in your capacity  9 as a corporate representative and -- Do you understand  10 that?  11 A. Yes.  12 Q. And that your testimony today binds The Med  13 Team?  14 A. Correct.  15 Q. Okay. You have before you Exhibit Number 1.  16 And Exhibit Number 1 is that notice of intent to take  17 the 30(b)(6) oral deposition of you as a corporate  18 representative.  19 A. Okay.  20 Q. And you've been designated on several topics in  21 this list. I note that there are a few references --  22 and Rick and I have talked about it briefly in an email.  23 There are a few references to a gentleman named William  24 Wilkins, and there's also references to a school. Med  25 Team does not have a William Wilkins with you, correct?</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. All right. I wanted to go -- I've kind of  2 talked a little bit already with the other  3 representative about the harassment, discrimination, and  4 retaliation policy. Is it your understanding that  5 there's a separate retaliation policy that we have not  6 already covered today?  7 A. Not that I'm aware of.  8 Q. Okay. And would there have been one in place  9 at the time Ms. Richardson was an employee?  10 A. I mean, part of the employee handbook.  11 Q. Sure. So, the -- the Exhibit Number 2, then,  12 the policies that are reflected in Exhibit Number 2  13 would be the policies that would include anything  14 related to EEO compliance?  15 A. To my knowledge.  16 Q. Okay. Is it your -- Is it your understanding  17 that there's any other policies besides that related to  18 EEO compliance?  19 A. I'm unsure.  20 Q. Okay. But as you sit here today, you can't  21 think of a separate policy?  22 A. Correct.  23 Q. Okay. And then, back to topic 1 and 2, do you  24 recall any investigation taking place to any complaints  25 made by Plaintiff about being discriminated against?</p>

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<p style="text-align: right;">Page 10</p> <p>1 A. There were no investigations.</p> <p>2 Q. And do you recall any prior discipline being</p> <p>3 given to her prior to her termination?</p> <p>4 A. I don't recall.</p> <p>5 Q. Okay. And as you sit here today, is there any</p> <p>6 -- besides discipline, is there any verbal warnings, or</p> <p>7 any performance improvement plans, or anything of that</p> <p>8 nature she would have been placed on during her</p> <p>9 employment?</p> <p>10 A. I do believe there were some verbal warnings.</p> <p>11 Q. And who would have given her those verbal</p> <p>12 warnings?</p> <p>13 A. That would have been Alan Garza.</p> <p>14 Q. And Alan Garza would have given her these</p> <p>15 verbal warnings -- are you aware what time frame they</p> <p>16 were given?</p> <p>17 A. They would have been during 2016.</p> <p>18 Q. Okay. And before or after she received her</p> <p>19 performance evaluation that's been marked as Plaintiff's</p> <p>20 Exhibit Number 4?</p> <p>21 A. After.</p> <p>22 Q. Okay. And is it your understanding, then, that</p> <p>23 she was given them in a disciplinary capacity?</p> <p>24 A. Could you clarify?</p> <p>25 Q. Sure. So, Ms. Jackson's testimony, my</p>	<p style="text-align: right;">Page 12</p> <p>1 not, with my highlights on it.</p> <p>2 MR. GARZA: Well, just -- just -- We can</p> <p>3 enter it as an exhibit, as long as we state that the</p> <p>4 highlights are yours.</p> <p>5 MR. CAMMACK: Okay. So, what it looks</p> <p>6 like -- And what I'm marking is Plaintiff's Exhibit</p> <p>7 Number 5.</p> <p>8 (Exhibit No. 5 marked.)</p> <p>9 Q. (BY MR. CAMMACK) Are you familiar with this</p> <p>10 document?</p> <p>11 A. Yes.</p> <p>12 Q. And it looks like, in response to number 1,</p> <p>13 that yourself, Ms. Jackson, and Alan Garza were</p> <p>14 responsible for providing information to answer those</p> <p>15 questions, correct?</p> <p>16 A. Uh-huh.</p> <p>17 Q. And then, if you turn a couple of pages, or it</p> <p>18 may be one page, to interrogatory number 6, it looks</p> <p>19 like there's no documentation of any prior discipline.</p> <p>20 Is that your understanding of the answer to that</p> <p>21 question?</p> <p>22 A. Yes.</p> <p>23 Q. Now, when -- when The Med Team provides verbal</p> <p>24 warning, do they not also document that they've given</p> <p>25 those verbal warnings, as well, as a part of their</p>
<p style="text-align: right;">Page 11</p> <p>1 understanding was, is that there is a progressive</p> <p>2 discipline policy that Med Team has.</p> <p>3 A. Okay.</p> <p>4 Q. Is that your understanding, as well?</p> <p>5 A. Yes.</p> <p>6 Q. And then, the first step on most progressive</p> <p>7 discipline policies is a verbal warning.</p> <p>8 A. Uh-huh.</p> <p>9 Q. Is that also Med Team's policy?</p> <p>10 A. I believe so.</p> <p>11 Q. And then, so, in providing those verbal</p> <p>12 warnings, was he starting the first step of the</p> <p>13 progressive discipline policy?</p> <p>14 A. That would be my assumption.</p> <p>15 Q. Okay. Did he ever escalate that to a written?</p> <p>16 A. Not that I'm aware of.</p> <p>17 Q. Okay. And is it your understanding that, in</p> <p>18 providing answers to discovery, that the -- that the</p> <p>19 Defendant has, in fact, indicated she's never received</p> <p>20 any discipline prior to her determination?</p> <p>21 A. I can't say that.</p> <p>22 Q. Okay. Well, let me show you --</p> <p>23 MR. CAMMACK: And I only have one copy,</p> <p>24 and I've got it tagged up with my highlights, so I don't</p> <p>25 know if it matters whether we enter it as an exhibit or</p>	<p style="text-align: right;">Page 13</p> <p>1 progressive discipline policy?</p> <p>2 A. I can't answer that.</p> <p>3 Q. You're not aware of whether they do or not?</p> <p>4 A. No.</p> <p>5 Q. Okay. And why was there not an investigation</p> <p>6 conducted into her complaints of discrimination?</p> <p>7 A. There was never a complaint of discrimination</p> <p>8 received.</p> <p>9 Q. Okay. I'm going to hand you what's been marked</p> <p>10 as Plaintiff's Exhibit Number 6.</p> <p>11 (Exhibit No. 6 marked.)</p> <p>12 Q. (BY MR. CAMMACK) And do you mind if I snatch</p> <p>13 back 5 --</p> <p>14 A. Yes.</p> <p>15 Q. -- from you? Thanks. All right. Are you</p> <p>16 familiar with this email?</p> <p>17 A. I am.</p> <p>18 Q. Okay. And how are you familiar with this</p> <p>19 email?</p> <p>20 A. After Renee was -- it was determined that Renee</p> <p>21 was going to be terminated, this email came to light.</p> <p>22 And -- Yeah, I don't remember the exact specifics of --</p> <p>23 of how or when, but this email was -- came to light</p> <p>24 after, you know, the determination was to terminate</p> <p>25 Ms. Richardson.</p>

Ryan Grisard

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<p style="text-align: right;">Page 14</p> <p>1 Q. Okay. So, this email was sent by Renee 2 Richardson January 20th, 2017, at 7:39 a.m. -- 3 A. Uh-huh. 4 Q. -- to Sarah Gogo, who my understanding is an HR 5 representative? 6 A. Correct. 7 Q. And it indicates, if you look at the second 8 paragraph, in the second sentence, that, "...given the 9 current situation and past instances, I have always felt 10 like Alan has never supported me or respected me in this 11 position because I am a black woman." Did I read that 12 correctly? 13 A. Yes. 14 Q. And when was the decision to terminate her 15 made? 16 A. I do not remember the exact date, but I believe 17 it was around this time period. 18 Q. Around this time period, being the same day? 19 A. It may have been the same day, it may have been 20 a day before or a day after. 21 Q. Okay. And it was based on her performance, 22 correct? 23 A. That is correct. 24 Q. And based on the testimony provided by 25 Ms. Jackson, she -- in fact, the only evidence of her</p>	<p style="text-align: right;">Page 16</p> <p>1 manager's main job is to keep the census up or growing? 2 A. Correct. 3 Q. And is that part of her job description? 4 A. I would think so. 5 Q. Okay. So, that's specifically going to be 6 detailed to her in her job description, that she's 7 supposed to keep the census up? 8 A. Without seeing it, I can't be 100 percent sure, 9 but I would certainly think so. 10 Q. Okay. I'm going to show it to you, but I'm 11 going to go ahead and tell you it's not in there. 12 But -- But I'll ask you about it in a minute. 13 The next question I have for you: Were 14 there other branches that were having census problems? 15 A. Yes. 16 Q. And that includes the San Antonio office and 17 the Mercedes branch, correct? 18 A. Not that I'm aware of. 19 Q. Okay. 20 A. It would have included the Austin office and 21 the Brownsville office. 22 Q. Okay. So, your understanding is, it's Austin 23 and Brownsville? 24 A. That's correct. 25 Q. Okay. Well -- So, were those Austin and</p>
<p style="text-align: right;">Page 15</p> <p>1 performance, at least in her evaluations, is that she 2 was commendable as an employee, correct? 3 A. Sure. 4 Q. Okay. So, she's got commendable performance, 5 she has no prior discipline, but around the same day she 6 complains about being treated differently for being a 7 black woman, the decision is made to terminate her, 8 correct? 9 A. Correct. 10 Q. Okay. And then, your understanding is, that's 11 because she has -- How long has she had those 12 performance problems? 13 A. So, as a branch manager, she was in charge -- 14 one of her main objectives is to grow the census. 15 Q. Okay. 16 A. And throughout 2016, the census continued to 17 decline at a very rapid rate. 18 Q. Okay. 19 A. And on a monthly basis, as the CFO, I meet with 20 the board of directors and we discuss financial results 21 of each operation. And, you know, when we were 22 discussing the December results, it was determined that 23 it was time to, you know, let Ms. Richardson go. 24 Q. Okay. And was that branch the New Braunfels -- 25 So, first, my understanding is, is that part of a branch</p>	<p style="text-align: right;">Page 17</p> <p>1 Brownsville branch managers terminated for -- 2 A. They were. 3 Q. Okay. And when were they terminated? 4 A. The Austin administrator was terminated around 5 the same time, so towards the end of January of 2017. 6 Q. Okay. Because, again, your discovery responses 7 indicated that no other branch managers were terminated 8 for issues with poor performance. 9 A. Well, that -- that would be a correct 10 statement, because this -- these other two individuals 11 had a job title of "administrator." So, instead of 12 "branch manager," they had a separate title of 13 "administrator." 14 Q. Okay. But were there not branch managers in 15 those offices? 16 A. There were not branch managers in those 17 offices. 18 Q. There was no branch managers in -- And which 19 two offices are you saying there were terminations at? 20 A. Austin and Brownsville. 21 Q. Austin and Brownsville. And so, do you know 22 which office Lacy Richard was in? 23 A. Lacy Richard was in Austin. 24 Q. And how about Christina Luna? 25 A. Christina Luna was in Mercedes, I believe.</p>



Ryan Grisard

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<p style="text-align: right;">Page 18</p> <p>1 Q. Okay. And then, how about Eileen Gregory?</p> <p>2 A. She was in Brownsville.</p> <p>3 Q. And how about Christina Hernandez Ayala?</p> <p>4 A. She would have been the administrator of</p> <p>5 San Antonio.</p> <p>6 Q. And she is the administrator that was working</p> <p>7 in conjunction with Ms. Richardson?</p> <p>8 A. So, Ms. Richardson would have had, sort of, a</p> <p>9 dual reporting role to Alan Garza and Ms. Christina</p> <p>10 Hernandez.</p> <p>11 Q. Okay. And then, by process of elimination, it</p> <p>12 looks like our Dallas -- Well, is it Dallas or</p> <p>13 Huntsville that you-all have another office in?</p> <p>14 A. We have an office in Dallas. We don't have</p> <p>15 anything in Huntsville.</p> <p>16 Q. Okay.</p> <p>17 A. We have an office in Hebbronville.</p> <p>18 Q. Hebbronville. That's what that -- Okay. Is</p> <p>19 K-A-M-L-A, Kamla, B-E-H-A-R-R-Y-L-A --</p> <p>20 A. She's in our Dallas office.</p> <p>21 Q. Okay. Dallas. And then, who is in your</p> <p>22 Hebbronville office?</p> <p>23 A. Ademar Garza, A-D-E-M-A-R, Garza.</p> <p>24 Q. Okay.</p> <p>25 A. But again, some of these people are</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Okay. You can -- You know, if you'd like, you</p> <p>2 can review the document, but if you could indicate to me</p> <p>3 anywhere where there's any discussion of census, or</p> <p>4 anything related to census, on this document.</p> <p>5 A. (Reviews document). Is this a duplicate page,</p> <p>6 4, 5, and 6?</p> <p>7 Q. It -- Let me -- Let double -- Did I hand you --</p> <p>8 Oh, I'm sorry. Yeah, 4, 5, and 6 looks like just a</p> <p>9 change has been made from salary to hourly, and that</p> <p>10 there's a little initial next to it. Besides that,</p> <p>11 everything else is the same, yes. And -- And for</p> <p>12 reference where that change is made, that's Med Team 14,</p> <p>13 under employee [sic] class, "salaried" has been</p> <p>14 scratched out with initials I'm not quite familiar with,</p> <p>15 and then "hourly" has been checked.</p> <p>16 A. I don't see word -- mention of the specific</p> <p>17 word "census," but I would interpret (i) to basically</p> <p>18 incorporate that.</p> <p>19 Q. (i). So, "Manage operations of the branch in</p> <p>20 accordance with established fiscal parameters"?</p> <p>21 A. Correct.</p> <p>22 Q. Okay. Now, beyond the census, what other</p> <p>23 problems was she having with her performance?</p> <p>24 A. I'm not aware.</p> <p>25 Q. So, you -- Nothing was brought to your</p>
<p style="text-align: right;">Page 19</p> <p>1 administrators, not branch managers.</p> <p>2 Q. What's the difference between the administrator</p> <p>3 and the branch manager?</p> <p>4 A. It -- It's more your provider. So, for</p> <p>5 example, you have a parent provider number with DADS,</p> <p>6 and your parent provider number, you have an</p> <p>7 administrator. But then you can have branch offices</p> <p>8 that offset off of that parent provider number.</p> <p>9 Q. Okay.</p> <p>10 A. So, you can't have an administrator in a</p> <p>11 branch. You can only have a branch manager. Whereas,</p> <p>12 in that parent, you would have an administrator.</p> <p>13 Q. Okay. But you would agree with me, no other</p> <p>14 branch managers were terminated at the same time period</p> <p>15 for low census or poor performance, correct?</p> <p>16 A. No other branch managers.</p> <p>17 Q. Okay. I'm going to hand you Plaintiff's</p> <p>18 Exhibit Number 7.</p> <p>19 (Exhibit No. 7 marked.)</p> <p>20 Q. (BY MR. CAMMACK) And this is a job description</p> <p>21 for a branch manager in the New Braunfels office,</p> <p>22 specifically. Is it your understanding that</p> <p>23 Ms. Richardson was the branch manager in the New</p> <p>24 Braunfels office?</p> <p>25 A. That's correct.</p>	<p style="text-align: right;">Page 21</p> <p>1 attention that would indicate she had any other issues</p> <p>2 beyond census?</p> <p>3 A. Not that I recall.</p> <p>4 Q. Okay. Would that be something that you would</p> <p>5 be made aware of in making the determination whether to</p> <p>6 discipline or terminate a branch manager?</p> <p>7 A. Sure.</p> <p>8 Q. Okay.</p> <p>9 (Exhibit No. 8 marked.)</p> <p>10 Q. (BY MR. CAMMACK) I'm going to hand you what's</p> <p>11 been marked as Plaintiff's Exhibit Number 8. Have you</p> <p>12 ever seen this document before?</p> <p>13 A. I have seen something similar.</p> <p>14 Q. And what is this document or what would the</p> <p>15 similar document indicate to you -- or what is it, I</p> <p>16 should say?</p> <p>17 A. The census of each branch.</p> <p>18 Q. Okay. And so, on the left, there's a column</p> <p>19 called Month, and it starts with August 15, and it looks</p> <p>20 like at the very bottom it ends November 2016.</p> <p>21 A. Okay.</p> <p>22 Q. At the top, I see SA, I assume is San Antonio,</p> <p>23 NB for New Braunfels, the next column is Austin, or AUS,</p> <p>24 B'ville for Brownsville, Merc for Mercedes, Dallas, and</p> <p>25 then H'ville for Hebbronville, correct?</p>

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<p style="text-align: right;">Page 22</p> <p>1 A. Correct.</p> <p>2 Q. And if you look at -- For instance, the</p> <p>3 San Antonio office starts August 15th with 796.</p> <p>4 A. Uh-huh.</p> <p>5 Q. But they end in November of 2016 with 740.</p> <p>6 A. Uh-huh.</p> <p>7 Q. A 56 percent -- or not percent, I'm sorry -- 56</p> <p>8 numbers below the original census.</p> <p>9 A. Uh-huh.</p> <p>10 Q. Does that concern you that there's a drop in</p> <p>11 56?</p> <p>12 A. Sure.</p> <p>13 Q. And let's look at Mercedes. It starts with 146</p> <p>14 and ends at 120. It looks like there's a drop in 26.</p> <p>15 A. Uh-huh.</p> <p>16 Q. Does it concern you there was a drop in 26?</p> <p>17 A. Sure.</p> <p>18 Q. And you said there's also issues with the</p> <p>19 Austin and Brownsville offices, but I don't see it</p> <p>20 reflected in this document. Is that from the same time</p> <p>21 period or a different time period, the drop?</p> <p>22 A. Same period.</p> <p>23 Q. Okay. Now, based on what you've indicated and</p> <p>24 based on what this document indicates, all but two of</p> <p>25 the offices would not have had a drop in census; is that</p>	<p style="text-align: right;">Page 24</p> <p>1 organizational chart?</p> <p>2 A. Yes.</p> <p>3 Q. And then, where does -- Are you in the board of</p> <p>4 directors on this chart?</p> <p>5 A. I am not.</p> <p>6 Q. Okay. Where would you fall in this -- this</p> <p>7 chart then? Right under Ms. Pembroke?</p> <p>8 A. Yeah.</p> <p>9 Q. Okay. And then, where would a Nick</p> <p>10 T-Z-I-R-I-M-I [sic] fall on this chart?</p> <p>11 A. The board of directors.</p> <p>12 Q. Okay. What's his official title on the board?</p> <p>13 A. Vice president.</p> <p>14 Q. And is it your understanding that he was</p> <p>15 involved in the decision to terminate Ms. Richardson?</p> <p>16 A. Yes.</p> <p>17 Q. What was his capacity --</p> <p>18 MR. GARZA: What was your response?</p> <p>19 THE WITNESS: "Yes."</p> <p>20 Q. (BY MR. CAMMACK) And what was his capacity in</p> <p>21 that decision to terminate?</p> <p>22 A. Well, like I said, we -- I -- I present to the</p> <p>23 board on a monthly basis the financial results of each</p> <p>24 branch, so that would be Leslie and Nick and myself.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">Page 23</p> <p>1 your understanding?</p> <p>2 A. For this line of business, yes.</p> <p>3 Q. And so, the only branch manager that's been</p> <p>4 terminated is terminated -- is Ms. Richardson, correct?</p> <p>5 A. Correct.</p> <p>6 Q. And she's terminated approximately the same</p> <p>7 day -- or the decision to make -- to terminate her is</p> <p>8 made approximately the same day she complains about race</p> <p>9 discrimination, correct?</p> <p>10 A. Correct.</p> <p>11 Q. And of all the time periods there was drops in</p> <p>12 census, no other decisions were made to terminate her on</p> <p>13 these other months, correct?</p> <p>14 A. Correct.</p> <p>15 Q. Okay.</p> <p>16 (Exhibit No. 9 marked.)</p> <p>17 Q. (BY MR. CAMMACK) I'm going to hand you what's</p> <p>18 been marked as Plaintiff's Exhibit Number 9. And the</p> <p>19 sticker kind of covers the number, but this is</p> <p>20 Richardson 530. Have you ever seen this document</p> <p>21 before?</p> <p>22 A. It looks familiar.</p> <p>23 Q. What's your understanding of this document?</p> <p>24 A. It's an org chart.</p> <p>25 Q. Okay. And by "org chart," you just mean</p>	<p style="text-align: right;">Page 25</p> <p>1 A. And, you know, based on the results over the</p> <p>2 past several months, we decided collectively that it was</p> <p>3 time to eliminate that position.</p> <p>4 Q. Okay. Is that -- When you say "eliminate that</p> <p>5 position," is there no longer a branch manager position?</p> <p>6 A. There was not a branch manager position for</p> <p>7 quite some time. There is one today.</p> <p>8 Q. Okay. And do you know when that position was</p> <p>9 filled or reinstated?</p> <p>10 A. If I had to guess, I would say about --</p> <p>11 MR. GARZA: Don't guess.</p> <p>12 Q. (BY MR. CAMMACK) Was it this year, though? Was</p> <p>13 it 2018?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know if it was early 2018?</p> <p>16 A. I don't -- I don't recall.</p> <p>17 Q. Okay. And so, you make a report, "Hey, we need</p> <p>18 to terminate this position, branch manager"?</p> <p>19 A. Uh-huh.</p> <p>20 Q. Okay.</p> <p>21 MR. GARZA: Is that a "yes"?</p> <p>22 THE WITNESS: Yes.</p> <p>23 Q. (BY MR. CAMMACK) And -- And does -- Is there</p> <p>24 any other capacity that you're aware of that Nick served</p> <p>25 as VP on the board in -- in his decision-making?</p>



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<p style="text-align: right;">Page 26</p> <p>1 A. No.</p> <p>2 Q. Okay. Was there anything else that you</p> <p>3 reviewed in making your decision to terminate?</p> <p>4 A. No.</p> <p>5 Q. Okay. And it's also my understanding that</p> <p>6 Linda Harvey was involved in the decision to terminate?</p> <p>7 A. Yes.</p> <p>8 Q. If you look at the chart, I have her listed</p> <p>9 twice, unless there's two Linda Harveys. I have her</p> <p>10 listed as director of program and policy development</p> <p>11 above Alan Garza -- or, I'm sorry, above Angie Harris,</p> <p>12 but I also have her listed below Alan Garza, as BSN, RN.</p> <p>13 Is that the same Linda Harvey?</p> <p>14 A. It is.</p> <p>15 Q. Okay. What was her role in the decision to</p> <p>16 terminate?</p> <p>17 A. She was just part of the discussion of whether</p> <p>18 or not we could, you know, go without -- you know,</p> <p>19 eliminate that position and sort of manage it from the</p> <p>20 San Antonio operation.</p> <p>21 Q. Do you recall her saying anything else related</p> <p>22 to that termination decision?</p> <p>23 A. I don't.</p> <p>24 Q. And then, Alan Garza, what was his role in the</p> <p>25 decision to terminate?</p>	<p style="text-align: right;">Page 28</p> <p>1 that you would have said, "Hey, I'm meeting with Nick</p> <p>2 and Leslie today"?</p> <p>3 A. Unlikely.</p> <p>4 Q. Okay. It wouldn't have been in an Outlook</p> <p>5 or --</p> <p>6 A. (Shakes head from side to side).</p> <p>7 Q. Okay. Was that Number 9 I gave you?</p> <p>8 A. It is.</p> <p>9 Q. Okay. If you could come back with me to</p> <p>10 Plaintiff's Exhibit Number 1, topic number 5 is benefits</p> <p>11 and pay the employee received or was entitled to.</p> <p>12 A. Uh-huh.</p> <p>13 Q. Are you able to testify about that today?</p> <p>14 A. Yes, I am.</p> <p>15 Q. Okay. And then, number 6, any prior complaints</p> <p>16 of discrimination, wrongful termination and/or</p> <p>17 harassment, including those involving the employees</p> <p>18 and/or supervisors involved in the present matter?</p> <p>19 A. Yes.</p> <p>20 Q. Number 7, any investigation and/or background</p> <p>21 check conducted involving the employees and/or</p> <p>22 supervisors involved in the present matter, including</p> <p>23 investigations conducted regarding Plaintiff's</p> <p>24 complaints?</p> <p>25 A. Yes, I can speak to that.</p>
<p style="text-align: right;">Page 27</p> <p>1 A. Similar to Linda's.</p> <p>2 Q. Okay. And where was -- Was -- Where did these</p> <p>3 discussions take place? Were they in person, were they</p> <p>4 on the phone?</p> <p>5 A. Nick, Leslie, and I would have been in person.</p> <p>6 Q. Okay.</p> <p>7 A. Discussions with Linda and Alan would have been</p> <p>8 over the phone.</p> <p>9 Q. Okay. And do you recall what day these</p> <p>10 discussions took place?</p> <p>11 A. I do not.</p> <p>12 Q. Would there be phone logs related to the phone</p> <p>13 calls?</p> <p>14 A. I would certainly think so.</p> <p>15 Q. Okay. And what -- what phone numbers would you</p> <p>16 have been calling from?</p> <p>17 A. The -- The main number is (703) 390-2300.</p> <p>18 Q. What were the last four numbers?</p> <p>19 A. 2300.</p> <p>20 Q. Okay. And when you say there are call logs, is</p> <p>21 that -- is there actually a separate written log, or</p> <p>22 just a record that would have been on the phone?</p> <p>23 A. Just a record that would have been on the</p> <p>24 phone.</p> <p>25 Q. Okay. Would you have had a meeting calendar</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. Okay. I'm going to hand you Plaintiff's</p> <p>2 Exhibit Number 10 and 11.</p> <p>3 (Exhibit Nos. 10 and 11 marked.)</p> <p>4 Q. (BY MR. CAMMACK) It looks like Ms. Richardson</p> <p>5 requested her pay stubs on 10, to Sarah Gogo, from</p> <p>6 December 2016 to February 2017.</p> <p>7 A. Okay.</p> <p>8 Q. And it looks like this is after her</p> <p>9 termination. It says March 8, 2017, correct?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. And then, in Number 11, it looks like</p> <p>12 some pay stubs. Would you be aware if these were the</p> <p>13 ones produced to her, the pay stubs?</p> <p>14 A. Yeah, they look -- they look familiar.</p> <p>15 Q. Okay. And would this be an accurate reflection</p> <p>16 of the pay that Ms. Richardson would be receiving at</p> <p>17 that time?</p> <p>18 A. Yes.</p> <p>19 Q. And do you know if she was entitled to any</p> <p>20 additional benefits or retirement plans or anything</p> <p>21 that's not reflected on this document?</p> <p>22 A. I see voluntary benefits, I see health</p> <p>23 insurance. She would have been entitled to contribute</p> <p>24 to the 401(k) plan.</p> <p>25 Q. Okay. But if it's not reflected on here, would</p>

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<p style="text-align: right;">Page 30</p> <p>1 that mean that she's not getting it, or would that be a 2 separate document? 3 A. That would mean she did not elect to have that 4 payroll deduction. 5 Q. Okay. Now, is it your understanding -- or let 6 me reword this. 7 Have there been any prior complaints of 8 discrimination made of the supervisors at the New 9 Braunfels branch? 10 A. No. 11 Q. Have there been any prior complaints related to 12 Alan Garza being discriminatory? 13 A. No. 14 Q. Have there been any employees that have sent an 15 email saying, "I feel I've been discriminated against, 16 I'm going to resign or quit"? 17 A. No. 18 Q. Okay. Are you aware that there's allegations 19 that Alan Garza made a comment about Ms. Richardson's 20 afro the same day she was terminated? 21 A. I believe I saw that in one of the discovery 22 questions or somewhere. 23 Q. Okay. Are you aware of any comments that were 24 made by Alan that day? 25 A. No.</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. Oh. So, based on his representation, he never 2 said it? 3 A. Correct. 4 Q. Okay. But that's the main reason, because he 5 said he didn't do it? 6 A. Yeah. 7 Q. Okay. If you could look back to Exhibit Number 8 1, topic number 9, any defenses asserted by Defendant, 9 and then there's 10, the claims made the basis of the 10 present suit. 11 Is -- Is there anything besides -- And I 12 think I've already asked this. I don't mean to be 13 repetitive, but besides the lowering in the census, is 14 there any other reason that Ms. Richardson would have 15 been terminated? 16 A. That was the main -- That was the reason. 17 Q. Okay. Now, is it your understanding that there 18 was ever an investigation to her complaints of race 19 prior to her termination or after? 20 A. Never an investigation. 21 Q. Was there ever -- Did you ever think it was 22 prudent to make sure that there isn't any discriminatory 23 behavior in the workplace, after she complained? 24 A. Complaint was never received. 25 Q. Okay. And when you say it was never received,</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. Are you aware of any statements he made the day 2 of the termination? 3 A. No. 4 Q. Okay. So, you wouldn't be privy to any 5 conversations he had that day? 6 A. No. 7 Q. Okay. If a former employee -- I believe she 8 was the -- Christina Hernandez -- had indicated that he 9 had made such comments, would you have reason to 10 disagree with her then? 11 A. Yeah, I wouldn't believe it. 12 Q. You wouldn't believe that he made those 13 comments? 14 A. Not at all. 15 Q. Why not? 16 A. Because I know Alan pretty well, and don't feel 17 that he would have made those comments. 18 Q. Okay. So, based on you knowing him pretty 19 well, you don't think he'd make a comment about 20 Ms. Richardson's hair? 21 A. Correct. 22 Q. What about you knowing him well makes you 23 believe that? 24 A. And he's also told me he hasn't made those 25 comments.</p>	<p style="text-align: right;">Page 33</p> <p>1 what do you mean by that? Do you mean, like, the email 2 didn't go through? 3 A. I can't answer that. I just know that the -- 4 that the complaint was never received. 5 Q. So, Sarah Gogo never received that complaint? 6 A. That is correct. 7 Q. Okay. And so, if I have dozens of emails 8 between Sarah Gogo, some prior to Plaintiff's January 9 20th email and some post, why would it be that only one 10 email she doesn't receive? 11 A. I cannot answer that. 12 Q. So, then, how did you say to me just a few 13 minutes ago, "We had knowledge, prior to terminating 14 her, of this email," if the email didn't go through? 15 MR. GARZA: That's not what he said. 16 Q. (BY MR. CAMMACK) What was your testimony then? 17 A. That we had no knowledge of any emails prior to 18 the decision being made to terminate her. 19 Q. Wait a minute. Your testimony earlier was -- 20 My understanding of your testimony earlier was, is that 21 "We became aware of this complaint around the same time 22 we terminated her." 23 A. After the decision to terminate her. 24 Q. And how did you become aware of it after the 25 decision?</p>

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<p style="text-align: right;">Page 34</p> <p>1 A. I don't recall.</p> <p>2 Q. Is it because there was an email that was sent?</p> <p>3 A. I don't recall how we were made aware, but Nick</p> <p>4 Tzirimis and I went and sat at Sarah's desk after the</p> <p>5 decision had been made -- after the termination, and</p> <p>6 looked through her email.</p> <p>7 Q. Okay.</p> <p>8 A. We looked through her in-box, her trash can,</p> <p>9 you know, every -- every folder in her Outlook, and</p> <p>10 could not find that email. We asked Sarah about the</p> <p>11 email. She said she never received it.</p> <p>12 Q. Okay. What was -- So, what -- what prompted</p> <p>13 you to look for the email, though, if you don't know it</p> <p>14 exists?</p> <p>15 A. Again, I don't remember the specifics about it,</p> <p>16 whether it was, you know -- I don't remember the</p> <p>17 specifics of what prompted that discussion and us</p> <p>18 looking at the email -- at her Outlook account.</p> <p>19 Q. Okay. But the testimony today is -- Because</p> <p>20 you notice I handed you an email that indicates that she</p> <p>21 received emails post her termination, correct?</p> <p>22 Including the one with the pay stub Sarah responds to,</p> <p>23 right?</p> <p>24 A. Correct.</p> <p>25 Q. And then -- I mean, I -- We can spend all day</p>	<p style="text-align: right;">Page 36</p> <p>1 census issues, to try and help them with their</p> <p>2 performance prior to termination?</p> <p>3 A. Yes. And we did that.</p> <p>4 Q. Okay. But there's just no evidence of that,</p> <p>5 correct?</p> <p>6 A. I can't believe that there's no evidence of</p> <p>7 that.</p> <p>8 Q. Okay. Well, I'll go through some of the emails</p> <p>9 with you related to that, but let's -- let's go through</p> <p>10 some more of the topics first.</p> <p>11 A. Sure.</p> <p>12 Q. Number 11, damages sought by the Plaintiff,</p> <p>13 including pay and benefits received by Plaintiff and/or</p> <p>14 to which he or she was entitled or would have been</p> <p>15 entitled. We've already looked at a pay stub and we've</p> <p>16 already talked about some of the benefits, correct?</p> <p>17 A. Correct.</p> <p>18 Q. Was there any other health benefits, whether it</p> <p>19 be dental or vision, that she would have had that would</p> <p>20 not be listed on Exhibit Number 11?</p> <p>21 A. By having the medical deduction, that</p> <p>22 incorporated vision and dental.</p> <p>23 Q. Okay.</p> <p>24 A. So, it was one bucket, so to speak.</p> <p>25 Q. When an employee is involuntarily separated</p>
<p style="text-align: right;">Page 35</p> <p>1 going through all the emails in January that were</p> <p>2 received by Sarah and responded to.</p> <p>3 A. Sure.</p> <p>4 Q. Your testimony is, is that that one email</p> <p>5 didn't go through, the one email that was sent about the</p> <p>6 same day the decision was made to terminate her, that</p> <p>7 she complained about race?</p> <p>8 A. My testimony is that we had no knowledge of</p> <p>9 that email prior to making a decision to terminate</p> <p>10 Renee.</p> <p>11 Q. Okay. Now, did the New Braunfels office always</p> <p>12 have, kind of, some issues with the census?</p> <p>13 A. Not that I recall.</p> <p>14 Q. Did they have issues with complying with some</p> <p>15 of the -- some of, I guess, the parameters needed to be</p> <p>16 a successful office?</p> <p>17 A. Not that I recall.</p> <p>18 Q. Do you recall them having any problems with</p> <p>19 high turnover of employees or clients?</p> <p>20 A. I mean, in our industry, turnover is high in</p> <p>21 all locations.</p> <p>22 Q. Okay.</p> <p>23 A. It's the nature of the industry.</p> <p>24 Q. So, based on the nature of that industry, would</p> <p>25 it be prudent, then, when you have an employee who had</p>	<p style="text-align: right;">Page 37</p> <p>1 from The Med Team --</p> <p>2 A. Uh-huh.</p> <p>3 Q. -- are they still entitled to payouts on their</p> <p>4 vacation time?</p> <p>5 A. Yes.</p> <p>6 Q. Are they still entitled to payouts on accrued</p> <p>7 PTO?</p> <p>8 A. It's the same thing.</p> <p>9 Q. Okay. They're listed as the same thing?</p> <p>10 A. Yeah.</p> <p>11 Q. So, there's not separate holiday pay, vacation</p> <p>12 pay?</p> <p>13 A. There's separate holiday pay, but PTO is the</p> <p>14 only bucket that encompasses your sick and vacation, so</p> <p>15 to speak.</p> <p>16 Q. Okay. So, any sick leave or vacation pay, that</p> <p>17 would have been all encompassed in the PTO?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. If you'll look at topic number 13 and</p> <p>20 number 14, the identity and facts regarding any and all</p> <p>21 employees of Defendant who were demoted, disciplined,</p> <p>22 suspended, counseled, reprimanded, placed on leave,</p> <p>23 terminated, discharged and/or laid off within the last</p> <p>24 10 years under and for the same policy, procedure, rule</p> <p>25 and/or regulation that was utilized and implemented by</p>

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<p style="text-align: right;">Page 38</p> <p>1 Defendant with regard to Plaintiff.</p> <p>2 The second section of that, or number 14,</p> <p>3 is to identify any and all of those employees that were</p> <p>4 not disciplined that way, but could have simply been</p> <p>5 given a warning, suspended, and/or given other</p> <p>6 disciplinary measures other than termination. Do you</p> <p>7 have knowledge of that?</p> <p>8 A. Sure.</p> <p>9 Q. Okay. Within the last 10 years, what other</p> <p>10 branch managers have been terminated for low census?</p> <p>11 A. Branch managers, none.</p> <p>12 Q. None. And have any other branch managers been</p> <p>13 given warnings or performance improvement plans as</p> <p>14 opposed to termination?</p> <p>15 A. Not that I'm aware of.</p> <p>16 Q. Are you familiar with Christina Luna?</p> <p>17 A. Yes.</p> <p>18 Q. And is it your understanding that Christina</p> <p>19 Luna was placed on a performance improvement plan?</p> <p>20 A. I don't -- I don't recall that.</p> <p>21 Q. Okay. I'm going to hand you --</p> <p>22 MR. CAMMACK: Do we already have 12 out</p> <p>23 there? Okay.</p> <p>24 Q. (BY MR. CAMMACK) I'm going to hand you what's</p> <p>25 been marked as Plaintiff's Exhibit Number 13. You know</p>	<p style="text-align: right;">Page 40</p> <p>1 unwillingness as a branch manager to prioritize and</p> <p>2 receive specific agency training, and incomplete</p> <p>3 personnel records with regard to attendance references,</p> <p>4 office staff references, job descriptions, annual</p> <p>5 evaluations, and corresponding with verification</p> <p>6 documents as per South Texas operations manager's audit.</p> <p>7 Is that your understanding of the reason she was placed</p> <p>8 on this PIP?</p> <p>9 A. Yes.</p> <p>10 Q. Now, attendance references, would that have</p> <p>11 anything to do with recording attendance -- of -- of --</p> <p>12 of what, specifically, if you're aware?</p> <p>13 MR. GARZA: You said "attendance"?</p> <p>14 MR. CAMMACK: I'm sorry. "Attendant," I</p> <p>15 should be saying.</p> <p>16 Q. (BY MR. CAMMACK) Attendant references. What</p> <p>17 exactly is an attendant reference?</p> <p>18 A. So, attendants are the employees, the providers</p> <p>19 that are out seeing -- doing the hands-on care, seeing</p> <p>20 the patients. So, to me, if it says attendant</p> <p>21 references, I assume it's a reference check at hire.</p> <p>22 Q. And what does the census particularly gauge?</p> <p>23 What -- What is it a census of?</p> <p>24 A. Your number of billable patients.</p> <p>25 Q. Your number of billable patients. Okay. And</p>
<p style="text-align: right;">Page 39</p> <p>1 what, I'm going to mark that one as 12. I'm sorry.</p> <p>2 (Exhibit No. 12 marked.)</p> <p>3 Q. (BY MR. CAMMACK) And this looks like it's the</p> <p>4 performance improvement plan of Christina Luna, a branch</p> <p>5 manager, correct?</p> <p>6 A. Yes.</p> <p>7 Q. And this was given to her July 30th, 2017?</p> <p>8 A. Looks like it was June 1st of 2017.</p> <p>9 Q. Oh, I'm sorry. In the PIP -- I guess I was</p> <p>10 looking at the end date. So, it was about a</p> <p>11 two-month-long PIP, or 60 days?</p> <p>12 A. Correct.</p> <p>13 Q. And Christina Luna was at the Mercedes office,</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. And that's an office we looked at that had low</p> <p>17 performance -- or low census, correct?</p> <p>18 A. Correct.</p> <p>19 Q. It looks like, though, if you look at her PIP,</p> <p>20 they don't even talk about census in this document,</p> <p>21 despite her low census at her office. Regardless,</p> <p>22 though, she is being put on a PIP for her failure to</p> <p>23 comply with Med Team policies and procedures, specific</p> <p>24 to, it looks like, EVV in-service, unwillingness to</p> <p>25 accept her role in completing and maintaining records,</p>	<p style="text-align: right;">Page 41</p> <p>1 then, would this attendant reference, then, have</p> <p>2 anything to do with the number of billable patients?</p> <p>3 A. No.</p> <p>4 Q. Okay. What about EVV in-service, what does</p> <p>5 that have to do with? Is that a tracking system?</p> <p>6 A. EVV stands for Electronic Visit Verification.</p> <p>7 Q. Okay. And that's visit of the billable</p> <p>8 patients?</p> <p>9 A. Correct.</p> <p>10 Q. And it looks like there was a violation of the</p> <p>11 policy related to the electronic visit verification</p> <p>12 in-service. What -- What does the in-service mean, or</p> <p>13 EVV in-service?</p> <p>14 A. That would be when you're training those new</p> <p>15 attendants on using the -- the -- that electronic system</p> <p>16 to capture their time in and time out at the patient's</p> <p>17 home.</p> <p>18 Q. Okay. And so, their time in and time out is</p> <p>19 how you actually bill the billable patients?</p> <p>20 A. That's how you pay the attendant and,</p> <p>21 obviously, yes, how you would also bill the -- for that</p> <p>22 patient.</p> <p>23 Q. Okay.</p> <p>24 MR. GARZA: Let's go off the record for a</p> <p>25 second.</p>



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<p style="text-align: right;">Page 42</p> <p>1 MR. CAMMACK: Okay. Sure.</p> <p>2 THE VIDEOGRAPHER: We're off the record at</p> <p>3 11:34.</p> <p>4 (Recess 11:34 a.m. to 11:37 a.m.)</p> <p>5 THE VIDEOGRAPHER: We're back on the</p> <p>6 record at 11:37.</p> <p>7 Q. (BY MR. CAMMACK) All right. We're back from a</p> <p>8 brief break. Do you understand that your testimony is</p> <p>9 still under oath?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. If you can look at topic number 15 on</p> <p>12 Plaintiff's Exhibit Number 1. And that's the persons</p> <p>13 involved in the decision to terminate Plaintiff. Have</p> <p>14 we already discussed all the people involved?</p> <p>15 A. Yes.</p> <p>16 Q. I -- I think I skipped over Ms. Pembroke and</p> <p>17 her involvement. Do you know what input she had related</p> <p>18 to the termination besides what we've already discussed?</p> <p>19 A. Again, she would have been in that meeting with</p> <p>20 Nick and -- and myself --</p> <p>21 Q. Okay.</p> <p>22 A. -- discussing financial performance for each</p> <p>23 location for the month.</p> <p>24 Q. Okay.</p> <p>25 A. And would have been part of that conversation</p>	<p style="text-align: right;">Page 44</p> <p>1 description, correct?</p> <p>2 A. Like I said, I -- I -- I would interpret point</p> <p>3 (i), I believe it was, to incorporate that.</p> <p>4 Q. Sure. So, census is retention of billable</p> <p>5 patients, either the retention of or the growth in the</p> <p>6 number of billable patients?</p> <p>7 A. Correct.</p> <p>8 Q. And the census is the way you measure that,</p> <p>9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. So, that would be anything related to patient</p> <p>12 retention numbers or turnover rates, correct?</p> <p>13 A. And the financial results of that branch,</p> <p>14 because a patient leads to sales.</p> <p>15 Q. Okay.</p> <p>16 A. So, as the sales decrease, obviously, they're a</p> <p>17 correlation to the census decrease.</p> <p>18 Q. Sure. Now, are you aware of -- Now, you know,</p> <p>19 comparators is just a fancy word for -- that lawyers use</p> <p>20 to say employees that are in similar positions --</p> <p>21 A. Uh-huh.</p> <p>22 Q. -- to, in this case, other branch managers.</p> <p>23 Are you aware of the racial background of the other</p> <p>24 branch managers? And I can -- I can narrow that down,</p> <p>25 instead of having you guess what race people are.</p>
<p style="text-align: right;">Page 43</p> <p>1 to terminate.</p> <p>2 Q. And then, number 16, any and all discipline,</p> <p>3 performance evaluations, performance, terminations,</p> <p>4 and/or the race of Plaintiff's comparators, to include</p> <p>5 branch managers in Texas.</p> <p>6 Number 17, any and all census numbers,</p> <p>7 patient retention numbers, patient turnover rates,</p> <p>8 compliance with State of Texas requirements, employee</p> <p>9 retention, employee compliance with State requirements,</p> <p>10 Electronic Visit Verification implementation, referral</p> <p>11 counts, client discharge numbers, and customer</p> <p>12 complaints at all branches in Texas.</p> <p>13 I know that's very broad, but do you have</p> <p>14 general knowledge of those topics?</p> <p>15 A. I believe so.</p> <p>16 Q. Okay. And then, I believe number 18, we've</p> <p>17 already gone over the job descriptions and job duties</p> <p>18 and job requirements of Plaintiff as a branch manager in</p> <p>19 New Braunfels.</p> <p>20 A. Yes.</p> <p>21 Q. Outside of that job description, was there any</p> <p>22 other job duties or job descriptions she would have had?</p> <p>23 A. Well, again, she would have been responsible</p> <p>24 for the census.</p> <p>25 Q. Sure. But it's not specified in her job</p>	<p style="text-align: right;">Page 45</p> <p>1 Do you know if any of the other branch</p> <p>2 managers were black?</p> <p>3 A. I don't believe so.</p> <p>4 Q. Okay. And certainly, none of the other branch</p> <p>5 managers complained about race discrimination?</p> <p>6 A. Not to my knowledge.</p> <p>7 Q. Okay. I'm going to hand you what's been marked</p> <p>8 as Plaintiff's Exhibit --</p> <p>9 MR. CAMMACK: I don't even know where I am</p> <p>10 now -- 13. We're finally to actual 13.</p> <p>11 (Exhibit No. 13 marked.)</p> <p>12 Q. (BY MR. CAMMACK) And this is Richardson 119.</p> <p>13 Now, it looks like, at the bottom email, on September</p> <p>14 25th, 2015, Renee Richardson has indicated that there's</p> <p>15 a backlog of approximately 150 employee files that need</p> <p>16 to be discharged properly, and that there was an October</p> <p>17 19th deadline.</p> <p>18 And then, a Colleen Shelton indicated she</p> <p>19 can't help because she's got family plans. Is that your</p> <p>20 understanding of this email chain?</p> <p>21 A. That's the way I read it.</p> <p>22 Q. Now, what would have caused 150 employee files</p> <p>23 to not be properly discharged, and secondary to that,</p> <p>24 what is the proper discharging method for an employee</p> <p>25 file?</p>

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<p style="text-align: right;">Page 46</p> <p>1 A. Well, in our industry, you know, these are 2 hourly attendants, so they apply for a job and they're 3 available to work. 4 Q. Okay. 5 A. But you may not use them for a period, they go 6 out of the country, they go on vacation, but you don't 7 necessarily discharge them, because they haven't been 8 terminated, they're still available to work. 9 Q. I gotcha. 10 A. So, at some point throughout the year, we'll go 11 through, we'll run a query and say, "Okay, you've got 12 these 150 people that haven't worked in a year" -- 13 Q. Sure. 14 A. -- "so shouldn't we go ahead and terminate them 15 or discharge them from the system so that they're not on 16 the active list to show as available, since, obviously, 17 they haven't worked in quite some time?" 18 Q. Okay. 19 A. So, it's not uncommon in our branches to just 20 have employees that are listed as active that really 21 just haven't seen a patient in a while. 22 Q. And does that impact the overall flow of the 23 office when you have a bunch of backlogged employees? 24 A. No. 25 Q. Well, let me -- I'm just trying to understand.</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. Okay. 2 (Exhibit No. 14 marked.) 3 Q. (BY MR. CAMMACK) I'm going to hand you what's 4 been marked as Plaintiff's Exhibit Number 14. And 5 there's a sticker on it, but it's Richardson 495 to 496. 6 And it looks like, if you look at the secondary email, 7 that a Frances Gonzalez sent an email to Alan Garza on 8 October 8th of 2015. And she was discussing some of the 9 roles of both Renee Richardson as branch manager, and it 10 looks like a Norma Leal, L-E-A-L, in her capacity in HR. 11 It also looks like that they found that the office had 12 multiple areas where they were not compliant, including, 13 if you look at the first sentence on the -- the last 14 paragraph, posters for labor boards in the kitchen/break 15 room are not in the view where an applicant applies. 16 Besides -- 17 MR. GARZA: It says "posture." 18 Q. (BY MR. CAMMACK) I'm sorry. Posture labor 19 boards are in the kitchen/break room and not in viewing 20 of where the applicant applies. Did I read that 21 correctly? 22 A. Yes. 23 Q. And what -- what is your definition -- or what 24 is your understanding of what these labor boards that 25 they're posting are -- or posture of the labor boards?</p>
<p style="text-align: right;">Page 47</p> <p>1 When you have a list of, let's say, 300 names -- 2 A. Uh-huh. 3 Q. -- or however many, and I've got 150 on there, 4 are these ones that you're -- you're calling or 5 contacting to see if they can go see a patient? 6 A. Probably not. 7 Q. Okay. So, they're just listed, potentially 8 some, because they were family members and that patient 9 has now passed, some because, like you said, they've 10 gone out of the country? 11 A. Yeah. 12 Q. So, that -- them being on that list and being 13 backlogged, why would there be a stringent deadline to 14 get that cleared up? 15 A. I don't know why they would have put a 16 stringent deadline on that. 17 Q. Okay. But -- But to -- 18 A. Maybe -- Maybe the -- You know, back then, we 19 were paper, so maybe the filing cabinets were getting 20 full and they wanted to clean up some filing cabinet 21 space. I can't answer as to why. 22 Q. Okay. So, overall, though, in your opinion, 23 that wouldn't be something related to issues with the 24 census or performance of the office? 25 A. Not at all.</p>	<p style="text-align: right;">Page 49</p> <p>1 A. They would show them what the minimum wage is, 2 you know, different labor laws for state and federal 3 level that the employer has to comply with. 4 Q. So, the required posting for federal and state 5 laws related to discrimination or retaliation haven't 6 been properly displayed is what this email indicates, 7 correct? 8 A. That's what it shows. 9 Q. Okay. Do you know if that office ever came 10 into compliance with that? 11 A. I'm not sure. 12 Q. Okay. But it certainly hasn't been on 13 anybody's priority list to make sure that that's been 14 posted, correct? 15 A. I can't -- I can't answer that. 16 Q. Okay. But it is your understanding that it is, 17 in fact, a requirement to have those laws posted so that 18 employees have knowledge of discrimination retaliation? 19 MR. GARZA: I'll object on the basis that 20 it asks him as a nonexpert to make a legal conclusion. 21 Q. (BY MR. CAMMACK) Okay. Is it your 22 understanding, though, as VP, in your position, that you 23 are required to post that for employees to have 24 knowledge of and view? 25 A. I believe so.</p>

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<p style="text-align: right;">Page 50</p> <p>1 Q. Okay. Now, you said that the EVV system would 2 not have affected census if there were issues with it? 3 A. No. 4 Q. Okay. What about marketing, would marketing 5 have a reflection on the census or the number of 6 patients you received? 7 A. Sure. 8 Q. Okay. 9 (Exhibit No. 15 marked.) 10 Q. (BY MR. CAMMACK) I'm going to hand you what's 11 been marked Plaintiff's Exhibit Number 15. This is an 12 email from Alan Garza to Renee Richardson, and this is 13 in reference to a Rae Cazares, C-A-Z-A-R-E-S. Do you 14 know who Rae Cazares is? 15 A. I do. 16 Q. And it looks like Rae had expressed an interest 17 in becoming an administrative coordinator, as well as 18 her role as a marketing person -- position. 19 A. Okay. 20 Q. Do you know if she currently is employed as an 21 administrative coordinator? 22 A. She's not currently employed with The Medical 23 Team. 24 Q. Okay. Did she ever leave her role in marketing 25 with The Medical Team?</p>	<p style="text-align: right;">Page 52</p> <p>1 A. Yeah. 2 Q. Do you know what steps were taken to add to the 3 referral count or to the marketing? 4 A. I don't recall. 5 Q. Okay. 6 MR. GARZA: And let me just ask, would you 7 speak up a little bit, because I -- I can't hear you. 8 I'm a little bit old. 9 THE WITNESS: Sure. 10 MR. GARZA: And -- And make sure that -- 11 that you don't say "uh-huh" or "huh-uh," because 12 that's -- that's causing some difficulty. It has to be 13 a word response, please. Thank you. 14 THE WITNESS: Got it. 15 Q. (BY MR. CAMMACK) Do you know if they ever hired 16 an administrative coordinator before she was separated 17 from the company? 18 A. Before who was separated from the company? 19 Q. Rae Cazares. 20 A. I don't recall. 21 Q. Okay. 22 (Exhibit No. 16 marked.) 23 Q. (BY MR. CAMMACK) I'm going to hand you what's 24 been marked as Plaintiff's Exhibit Number 16. And this 25 is an email from Alan Garza to Renee Richardson on</p>
<p style="text-align: right;">Page 51</p> <p>1 A. She got dragged into the office quite often to 2 help in some administrative coordinator roles. 3 Q. Okay. Was she, though, for the New Braunfels 4 branch, was it her main role to -- to do marketing or -- 5 A. That was supposed to be her main role, yes. 6 Q. Okay. And when you say "supposed to be," it 7 ended up not being or... 8 A. Quite often, she ended up getting dragged into 9 the office to do an admin coordinator role. 10 Q. Okay. And what -- Why was she being dragged in 11 that capacity? Was there a specific reason or specific 12 person requesting her to do so? 13 A. They didn't have that position filled. 14 Q. Okay. So, it was a lack of actually having an 15 administrative coordinator there? 16 A. Correct. 17 Q. Now, it -- it looks like Alan Garza is 18 acknowledging, on March 16th of 2016, that Rae is 19 contributing in her marketing role, but the referral 20 counts aren't as exciting as we would like. Is the 21 referral count -- does that affect the census? 22 A. It does. 23 Q. And so, as of March 16, 2016, they're -- 24 they're not getting the referral count or the marketing 25 that they want, correct?</p>	<p style="text-align: right;">Page 53</p> <p>1 March 23rd, 2016. Rae is responding to Renee's 2 inquiries related to moving Rae into the administrative 3 coordinator position. And he indicates that "Rae is a 4 valued employee at a high level of pay with the 5 expectation of helping us to grow our business." He 6 also indicates that her reducing her marketing hours to 7 move into this administrative role would not help the 8 census or revenue. Is that your understanding of that 9 first paragraph? 10 A. Yes, it is. 11 Q. Okay. He indicates, in the -- the last 12 highlighted section, that they should -- him and 13 Ms. Richardson should come up with a time to discuss 14 their marketing strategy so they could increase the 15 client census as well as revenue. Is that your 16 understanding of that paragraph? 17 A. Yes. 18 Q. Okay. Do you know if they ever had that 19 meeting to discuss their marketing strategy, or would 20 you have been involved in that meeting? 21 A. I wouldn't have been involved in that meeting. 22 Q. Okay. Do you know, was Rae voluntarily 23 separated or was she terminated? 24 A. I think she voluntarily resigned. 25 Q. Okay. Do you know if she was ever disciplined</p>

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<p style="text-align: right;">Page 54</p> <p>1 for reasons related to census?</p> <p>2 A. I do not know.</p> <p>3 Q. Okay. Do you know if she was ever told that,</p> <p>4 "Hey, look, you've really got to pick up your marketing,</p> <p>5 our census and revenue's bad, or not where we want it to</p> <p>6 be"?</p> <p>7 A. Yeah, I'm pretty confident, based on these</p> <p>8 emails, she was told.</p> <p>9 Q. Okay. But you don't have specific knowledge</p> <p>10 outside of these emails between Renee and Alan that she</p> <p>11 was informed, correct?</p> <p>12 A. No.</p> <p>13 Q. Okay. I'm handing you what's been marked as</p> <p>14 Plaintiff's Exhibit Number 17.</p> <p>15 (Exhibit No. 17 marked.)</p> <p>16 Q. (BY MR. CAMMACK) And my understanding of this</p> <p>17 email is that Ms. Richardson took the previous exhibit,</p> <p>18 or Number 16, and she wrote in her responses, indicating</p> <p>19 on the left-hand side "Alan," what he said, and then</p> <p>20 writing "Renee" for her response. And this was sent</p> <p>21 March 24th, 2016. Is that your understanding of this</p> <p>22 document?</p> <p>23 MR. GARZA: Hold on.</p> <p>24 THE WITNESS: I don't understand the</p> <p>25 question.</p>	<p style="text-align: right;">Page 56</p> <p>1 A. That you're saying that's her response to --</p> <p>2 Q. Correct.</p> <p>3 A. -- these -- Okay.</p> <p>4 Q. Okay. She indicates that she has doubts of the</p> <p>5 business growing due to high turnover rate with PCAs.</p> <p>6 What's a PCA?</p> <p>7 A. Personal care attendant.</p> <p>8 Q. And are those the ones that are getting --</p> <p>9 they're going out and visiting the billable patients --</p> <p>10 or the patients with billable hours?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. So, she's indicating we have unstaffed</p> <p>13 clients who are tired of waiting on the PCAs, so they</p> <p>14 transfer.</p> <p>15 A. Okay.</p> <p>16 Q. Is that pretty common in your industry?</p> <p>17 A. High turnover is common in our industry.</p> <p>18 Q. Is that part of a concern about the rate of</p> <p>19 pay?</p> <p>20 A. It can be.</p> <p>21 Q. What are other reasons that you can have high</p> <p>22 turnover?</p> <p>23 A. Benefits, family members, not enough hours, you</p> <p>24 know.</p> <p>25 Q. Well, what she indicates here is -- part of it</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. (BY MR. CAMMACK) Sure. Sure. Have you ever</p> <p>2 seen this email before?</p> <p>3 A. I have not.</p> <p>4 Q. Okay. Renee is responding to Exhibit</p> <p>5 Number 16. What -- What she's done is, it looks like</p> <p>6 she has taken specific paragraphs out of Exhibit 16.</p> <p>7 For instance, you'll look, the first paragraph he starts</p> <p>8 with, "I don't think this is the best move for MTI," and</p> <p>9 then his next paragraph on Exhibit 16 starts with, "We</p> <p>10 should currently have an active ad out." Is that what</p> <p>11 it looks like on Exhibit 16?</p> <p>12 A. Sure.</p> <p>13 Q. Now, if you look over here, the first paragraph</p> <p>14 is the same, "I don't think this is the best move for</p> <p>15 MTI," and it's kind of cut off, but it looks like LAN,</p> <p>16 for Alan, is written right to the left of that paragraph</p> <p>17 on 17.</p> <p>18 A. Okay.</p> <p>19 Q. And then, underneath it is a different</p> <p>20 paragraph from the other exhibit. "Renee" is written</p> <p>21 next to that. Do you see that on 17?</p> <p>22 A. I do.</p> <p>23 Q. Okay. So, that's her rebuttal or her response</p> <p>24 to his questions. Is that -- Does that seem more</p> <p>25 apparent, the way I've worded it now?</p>	<p style="text-align: right;">Page 57</p> <p>1 is also -- Did I cut you off? I'm sorry.</p> <p>2 A. No, I think I was -- I was finished.</p> <p>3 Q. Okay. She also indicates some of the patients,</p> <p>4 they're going to expire, they're -- they're providing</p> <p>5 care to them, correct, so there's going to be -- the</p> <p>6 census will change due to that, correct?</p> <p>7 A. When someone passes away?</p> <p>8 Q. Yes.</p> <p>9 A. Yeah.</p> <p>10 Q. And then, she also indicates some of these</p> <p>11 patients are moved to long-term care facilities. That</p> <p>12 can also affect the census?</p> <p>13 A. (Nods head up and down).</p> <p>14 Q. Okay. You have problems that, unfortunately,</p> <p>15 some of the PCAs are not reliable, she indicates that,</p> <p>16 as well?</p> <p>17 A. Okay.</p> <p>18 Q. And then, of course, we discussed the benefits</p> <p>19 and pay also add to a turnover rate?</p> <p>20 A. Okay.</p> <p>21 Q. Were any of these things discussed as potential</p> <p>22 reasons that the census was low in the decision to</p> <p>23 terminate Ms. Richardson?</p> <p>24 A. They were not discussed at the corporate office</p> <p>25 level.</p>



<p style="text-align: right;">Page 58</p> <p>1 Q. Okay. But that would have been a daily 2 consideration by any branch manager, correct? 3 A. Yes. And I believe Alan and Renee would have 4 had those conversations. 5 Q. Okay. Now, it looks like she also recommends 6 an employee incentive or recognition plan beyond the one 7 that was already in place. Do you know if she ever 8 implemented an employee incentive program? 9 A. I'm not sure. I don't -- I don't -- I don't 10 recall. 11 Q. Okay. So, if you go down to the paragraph that 12 starts with, "We should currently have an active ad 13 out," by Alan -- 14 A. Okay. 15 Q. -- her response is, "Yes, there is an ad out 16 and I've scheduled a couple of interviews." So, he's 17 asking her, as part of her role to -- to respond to 18 business growth is to get an ad out, and she's indicated 19 she's already done that, correct? 20 A. That's what she's indicating, yes. 21 Q. Okay. Now, if you turn to the next page, it 22 looks like, again, it begins with Alan's comments from 23 16, "Let's come up with a few dates to meet and discuss 24 our marketing strategy." 25 And it looks like her response is, "I</p>	<p style="text-align: right;">Page 60</p> <p>1 April 1st of 2016 to Alan some of the reasons that 2 they've had clients discharged. And what she indicates, 3 for instance, on the beginning of the second paragraph, 4 is that some of the discharges are due to death. For 5 instance, they had 17 clients pass away in December, 6 some have transferred due to EVV-related issues because 7 attendants are not getting paid, some are due to clients 8 being transferred due to relocation, some due to higher 9 pay, some due to constant changes because they are not 10 being permanently staffed, what we've already discussed, 11 long-term care facilities where some clients have been 12 moved, and then at least two or three cases where 13 clients were abusive to the PCAs. 14 Do you know -- And if you notice, this is 15 in response to Alan's email that, hey, look, in December 16 we had a huge drop in clients, so did we in January and 17 February, in his first sentence to -- to Renee and Rae. 18 Do you know, at this time, if she was given any 19 discipline for the drop in census? 20 A. I don't know. 21 Q. Okay. But certainly, here, there's nothing to 22 indicate that she was disciplined for this almost 23 10 percent drop in clients in a couple of months? 24 A. Correct. 25 Q. Okay. What is MCOs?</p>
<p style="text-align: right;">Page 59</p> <p>1 believe it would be to our advantage to meet to discuss 2 the expected census, revenue, and objectives for this 3 branch." Is that your understanding of her response? 4 A. Uh-huh. 5 Q. And again, you would -- 6 A. Yes. 7 MR. GARZA: Yes? 8 THE WITNESS: Yes. 9 Q. (BY MR. CAMMACK) And I'm sorry, I should have 10 asked you to clarify, as well. But do you -- And you 11 already testified you're not privy to those meetings, 12 though, right? 13 A. No. 14 Q. Okay. 15 MR. GARZA: What was your last response? 16 THE WITNESS: Yes. Oh. Which question? 17 MR. CAMMACK: I'm not sure. 18 (Requested portion was read.) 19 MR. CAMMACK: Okay. 20 MR. GARZA: Again, I can't hear. 21 (Exhibit No. 18 marked.) 22 Q. (BY MR. CAMMACK) All right. I'm going to hand 23 you what's been marked as Plaintiff's Exhibit Number 18. 24 Number 18 is an email chain between Renee Richardson and 25 Alan Garza. It looks like Renee is indicating on</p>	<p style="text-align: right;">Page 61</p> <p>1 A. Managed care organization. 2 Q. Okay. And what specifically is a managed care 3 organization? 4 A. Insurance company, like Superior, Amerigroup -- 5 Q. Okay. 6 A. -- United Healthcare. 7 Q. How would The Med Team be able to enforce a 8 managed care organization to move faster in getting 9 authorizations for rendering services? 10 A. How would they be able to enforce it? 11 Q. Yeah. I guess, how do they get, let's say, 12 TDADS or MCOs to move faster in authorizing services 13 being rendered? 14 MR. GARZA: What's TDADS? I'm sorry, I 15 didn't understand. You said TDADS? 16 MR. CAMMACK: Yeah, T-D-A-D-S, Texas 17 Department of Aging and Disability Services, I believe. 18 MR. GARZA: Okay. Thank you. 19 THE WITNESS: Well, how they get them to 20 move any faster, I can't answer to that. I mean -- But 21 there's a process in place to submit paperwork to get 22 them to authorize the services. 23 (Exhibit No. 19 marked.) 24 Q. (BY MR. CAMMACK) Okay. I'm going to hand you 25 what's been marked as Plaintiff's Exhibit Number 19.</p>

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<p style="text-align: right;">Page 62</p> <p>1 This is an email chain between Alan Garza and Renee 2 Richardson on April 28, 2016. And of the past few 3 exhibits, this is the first email that's post her April 4 2016 performance evaluation. 5 A. Okay. 6 Q. So, Alan is indicating to Renee that, it looks 7 like related to referrals, "Okay, great. These numbers 8 are outstanding. We need to have the MCOs or TDADS" -- 9 T-D-A-D-S -- "to move a little faster in getting the 10 authorization out to us so that we can begin rendering 11 services." 12 Do you know what he's referring to then by 13 getting the authorization out to them faster? 14 A. So, there's a process in place where we submit 15 paperwork to the MCO or TDADS, saying, "This patient has 16 elected Med Team, Inc. Here is the" -- I don't know the 17 number of the form, but there's a form number you fill 18 out, requesting services and a certain number of hours, 19 so like a care plan. And then the person at the MCO or 20 TDADS reviews that documentation and sends you back an 21 authorization -- paper authorization saying, "Med Team, 22 Inc. is authorized, with MPI number 123, to see 23 Ms. Jones for 30 hours a week, and here are the services 24 that you need to render." 25 Q. Okay. So, this email is indicating, as far as</p>	<p style="text-align: right;">Page 64</p> <p>1 hourly or salary? 2 A. Salary. 3 Q. Did you say salary? 4 A. Salary. 5 Q. Okay. What's Workuments? 6 A. It's an HRIS platform. 7 Q. What does that mean? 8 A. It's basically a human resource product that 9 will manage your demographic information if you were to 10 move, manage your onboarding, manage your, you know, tax 11 forms, you can look up your pay stubs in there. So, 12 anything related to your employment changes is kind of 13 managed by an HRIS system. 14 Q. Is that still what you-all have in place today? 15 A. Workuments is what we have in place today. 16 Q. Okay. But that has nothing -- That's -- That's 17 on the HR side for track- -- I can log into it and say, 18 "Hey, look, I -- I took three days off," or "I should 19 have an hour in overtime," or anything like that? 20 A. Request PTO, yeah. 21 Q. Okay. 22 A. It's... 23 Q. But that doesn't track anything related to 24 census or turnover or anything like that. It's all 25 employee benefits or time off or stuff like that?</p>
<p style="text-align: right;">Page 63</p> <p>1 getting the paperwork together to them, you've just got 2 to get them out to them quick, but it's not indicating, 3 "Hey, look, we can give TDADS a call and they'll move 4 faster." That's just based on them once we get the 5 paperwork to them, right? 6 A. Yeah. I mean, I assume there's a -- there 7 could be a follow-up step where you call the case 8 manager and follow up and say, "Did you get the 9 paperwork," you know, "What's the status of the 10 authorization?" 11 Q. Okay. What -- What is the SAM system, as well? 12 A. That's a -- It's a niche product for home 13 health agencies. So, it's a scheduling/billing 14 platform, sort of like our operating system, to manage 15 the day-to-day scheduling and billing activities. 16 Q. Okay. Now, if he's indicating to her that the 17 referral numbers or the data tracking referrals is -- 18 the numbers are outstanding, is it your impression that 19 he's -- he's impressed with what Renee Richardson is 20 getting accomplished or with the numbers? 21 A. Sure. 22 Q. Okay. Do you know if she was ever switched 23 from salary to hourly? 24 A. She was not. 25 Q. Okay. Is it your understanding that she was</p>	<p style="text-align: right;">Page 65</p> <p>1 A. Correct. 2 Q. Okay. 3 (Exhibit No. 20 marked.) 4 Q. (BY MR. CAMMACK) I have what's been marked as 5 Plaintiff's Exhibit Number 20. Okay. So, this is kind 6 of like that one where some were on 16 and some were on 7 17. 8 A. Okay. 9 Q. So, I'm going to go ahead and mark 20 and hand 10 it to you. 11 A. It correlates to 19 or... 12 Q. Well, I'm about to give you 21, as well. 13 A. Oh, I'm sorry. 14 (Exhibit No. 21 marked.) 15 Q. (BY MR. CAMMACK) And here is 21. Now, on 16 Number 20, this is an email from Leslie Pembroke on 17 June 7, 2016 to Renee Richardson, to Kimberly Rhodes, 18 and cc'ing Alan R. Garza. The subject is "Recruiting &amp; 19 Marketing Proposals." 20 MR. GARZA: Is that Exhibit 20? 21 MR. CAMMACK: Yes, Exhibit 20. 22 MR. GARZA: Okay. 23 MR. CAMMACK: Or did I -- 24 THE WITNESS: Yeah. 25 Q. (BY MR. CAMMACK) Yeah, okay. And it looks like</p>

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<p style="text-align: right;">Page 66</p> <p>1 Leslie is indicating a few things she'd like to have 2 knowledge of and she's got a list of five things at the 3 top. One is how much does McDonald's offer, starting 4 pay in New Braunfels; number 2 is what's the approximate 5 number of cases staffed by family members; 3 is who are 6 our top three competitors; 4 is are we actively 7 recruiting, and how do we track how many applicants are 8 coming in; and 5 is what are they doing to be in the 9 community or involved in the community, with regular 10 events, including -- she's requesting Rae's input on -- 11 on what they're doing and what they have planned. Is 12 that your understanding of these five areas? 13 A. Yes. 14 Q. Okay. 15 MR. GARZA: Just to clarify, in number 3, 16 you say "who are our top three competitors," but that's 17 not exactly what that says. 18 MR. CAMMACK: Oh, sure. Sure. 19 MR. GARZA: What are they offering as 20 rates. 21 MR. CAMMACK: That -- That's correct. 22 Yeah. So, what are our top competitors offering to new 23 hires, that's correct. Thank you. 24 Q. (BY MR. CAMMACK) Now, if you turn to the second 25 page of Exhibit Number 277 [sic], it looks like, on</p>	<p style="text-align: right;">Page 68</p> <p>1 A. Okay. 2 Q. What is a preferred employee? 3 A. I would assume it was a family member. 4 Q. Okay. So, it's the same thing? 5 A. Yeah. 6 Q. And then, it looks like the comparable rates of 7 your comparators, Kindred at Home paid 9.15 at the time, 8 Girling Health, which is G-I-R-L-L-N-G, paid 8, and 9 Right at Home paid 9. Do you know if you ever lost -- 10 or would you be privy to conversations about how many 11 employees were lost to any of those comparators based on 12 rate of pay? 13 A. I wouldn't. 14 Q. Okay. Now, did Rae Cazares, did she work 15 directly under Ms. Richardson? 16 A. Yes. 17 Q. And would it have been both her and 18 Ms. Richardson's job to recruit and to market? 19 A. Yes. 20 Q. Was it primarily Rae's goal, though -- or role? 21 A. The day-to-day function with the oversight 22 of -- and guidance of Renee. 23 Q. Sure. But I guess what I mean is, Rae has a 24 duty to recruit and to be the marketer, correct? 25 A. Uh-huh.</p>
<p style="text-align: right;">Page 67</p> <p>1 June 7th -- Well, is that June -- I'm sorry -- on June 2 14th, Alan Garza provided a response. 3 MR. GARZA: Hold on a second. You said 4 Exhibit 277. 5 MR. CAMMACK: I'm sorry. Let me -- Let me 6 start that whole thing over. 7 Q. (BY MR. CAMMACK) If you look at Exhibit 21, 8 which is -- starts with Richardson 277 and goes to 9 Richardson 279, at the bottom of 277, it looks like the 10 beginning of the same question number 1, "What is 11 McDonald's offering?" 12 A. Uh-huh. 13 Q. And the answer on the next page looks like 14 McDonald's pays between 7.25 and \$9 per hour. Do you 15 know how much PCAs are paid in the New Braunfels branch, 16 on average? 17 A. Back then? 18 Q. Uh-huh. 19 A. Eight and a quarter an hour. 20 Q. Eight and a quarter? So, comparable to the -- 21 the McDonald's rate? 22 A. Yeah. 23 Q. Okay. And number 2, it looks like there's an 24 estimate of about 60 percent of the PCAs are family 25 members or preferred employees?</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. And then, if Rae is insufficient in those 2 duties, does that fall on Rae or does that fall on the 3 whole team? 4 A. The whole team. 5 Q. Okay. So, when Ms. Richardson's office is low 6 on census, does that also fall on Alan Garza, as well? 7 A. He would have some -- I mean, he would -- he -- 8 he would be responsible for, yeah, helping -- give them 9 some guidance to grow the census. 10 Q. Do you know if either Rae or Alan were 11 disciplined related to the census at the New Braunfels 12 office? 13 A. I do not know. 14 Q. But you would have knowledge if they had been 15 disciplined, correct? 16 A. Alan, yes, I would have knowledge of. Renee, 17 not necessarily. 18 Q. Okay. But to your memory, he was never 19 disciplined related to anything related to census, 20 correct? 21 A. Not that I recall. 22 Q. Okay. We can go back to Exhibit 1. Now, 23 Ms. -- Looking at Number 21, Ms. Richardson never signed 24 any form of a release, did she, related to her 25 termination?</p>

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<p style="text-align: right;">Page 70</p> <p>1 A. No, she did not.</p> <p>2 Q. Okay. And it looks like my 20, 21 again become</p> <p>3 20 and 21. Let me ask you this, though, related to the</p> <p>4 next two topics. Have we already listed all of</p> <p>5 Plaintiff's supervisors?</p> <p>6 A. I believe so.</p> <p>7 Q. Okay. Any of those other supervisors would</p> <p>8 have been responded to in discovery, correct?</p> <p>9 A. Yes.</p> <p>10 Q. I have listed a Eileen McCleary as an</p> <p>11 administrator when Plaintiff was hired. Was she one of</p> <p>12 her supervisors?</p> <p>13 A. She would have been at some point during her</p> <p>14 employment.</p> <p>15 Q. Was she involved in any way with the decision</p> <p>16 to terminate?</p> <p>17 A. No.</p> <p>18 Q. Okay. And how about Christina Hernandez?</p> <p>19 A. If I believe the chronological order, Christina</p> <p>20 Hernandez replaced Eileen McCleary.</p> <p>21 Q. Okay.</p> <p>22 A. So they both would have, at some point, been</p> <p>23 involved in her employment.</p> <p>24 Q. Would she have been involved in the decision to</p> <p>25 terminate?</p>	<p style="text-align: right;">Page 72</p> <p>1 use if she woke up sick that morning?</p> <p>2 A. Right.</p> <p>3 Q. Okay. If you'll look at topic number 22, the</p> <p>4 existence of any documents in Plaintiff's requests for</p> <p>5 production sent to Defendant. I'm also going to ask you</p> <p>6 about this in conjunction with 25, on the next page,</p> <p>7 the -- the methods of search for documents requested,</p> <p>8 and then 26, the identification of persons involved in</p> <p>9 the search for documents requested in Plaintiff's</p> <p>10 requests for production.</p> <p>11 MR. GARZA: Before we get involved -- into</p> <p>12 that, could we take about a five-minute break?</p> <p>13 MR. CAMMACK: Sure.</p> <p>14 MR. GARZA: Thanks.</p> <p>15 THE VIDEOGRAPHER: We're off the record at</p> <p>16 12:15.</p> <p>17 (Recess 12:15 p.m. to 12:22 p.m.)</p> <p>18 THE VIDEOGRAPHER: We're back on the</p> <p>19 record at 12:22.</p> <p>20 Q. (BY MR. CAMMACK) Now, as to 22, 25, and 26,</p> <p>21 before I ask you questions about it, I don't want to</p> <p>22 know confidential communications with your attorney, I</p> <p>23 don't want to know any information related to that in</p> <p>24 the search for documents. I just want to know your</p> <p>25 understanding of the process of what was done to respond</p>
<p style="text-align: right;">Page 71</p> <p>1 A. No.</p> <p>2 Q. I have listed a Freddy Waters. Was he involved</p> <p>3 at all in the decision to terminate?</p> <p>4 A. He wasn't employed at that time.</p> <p>5 Q. Okay. How about Brian Deaver?</p> <p>6 A. Also wasn't employed at that time.</p> <p>7 Q. Okay. Now, is it your understanding that</p> <p>8 Ms. Richardson -- that some people came to talk to</p> <p>9 Ms. Richardson about her termination, but she wasn't</p> <p>10 present because she was out with a stomach bug?</p> <p>11 A. That's correct.</p> <p>12 Q. Okay. Do you know if that leave was approved</p> <p>13 that she was out for?</p> <p>14 A. I mean, I don't think it was preapproved.</p> <p>15 Q. Okay.</p> <p>16 A. But it's part of your PTO bucket, so, sort of,</p> <p>17 by default, it's approved, it's just not -- it wasn't</p> <p>18 preapproved. There was no knowledge that she wasn't</p> <p>19 going to be there.</p> <p>20 Q. Okay. But certainly, it wasn't part of the</p> <p>21 decision to terminate her that she wasn't there that</p> <p>22 morning?</p> <p>23 A. No.</p> <p>24 Q. Okay. And if she had accrued PTO, that would</p> <p>25 have been something that would have been acceptable to</p>	<p style="text-align: right;">Page 73</p> <p>1 to our requests for production, and who was involved</p> <p>2 that wasn't part of the legal team, and how you went to</p> <p>3 identify those documents.</p> <p>4 A. Okay. So, when we got the request to keep all</p> <p>5 documentation related to the case, Nhan Nguyen, who is</p> <p>6 our director of IT --</p> <p>7 Q. Okay.</p> <p>8 A. -- it's N-H-A-N, N-G-U-Y-E-N -- was notified</p> <p>9 to, you know, back up the server, back up the emails, to</p> <p>10 keep all documentation related to the lawsuit.</p> <p>11 Q. Okay. And then, was a search conducted by</p> <p>12 yourself, or do you know what individuals were involved</p> <p>13 in that search?</p> <p>14 A. No. Nhan would have done the search of</p> <p>15 documentation. Like I said earlier, Nick and I sat down</p> <p>16 at Sarah's computer and searched through her Outlook</p> <p>17 email --</p> <p>18 Q. I got --</p> <p>19 A. -- Outlook to -- to look for that specific</p> <p>20 email, and it did not -- it wasn't present.</p> <p>21 Q. Okay.</p> <p>22 A. I'm not sure what specific documents you're</p> <p>23 referring to in your question.</p> <p>24 Q. Sure. I meant in general. When you get this</p> <p>25 requests for production, what, kind of, was the process</p>



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<p style="text-align: right;">Page 74</p> <p>1 on it? I think I got an understanding. You-all 2 actually went through Sarah's emails, yourself and Nick, 3 and then IT also put a hold on documents so you-all 4 could make that search. 5 A. That's correct. 6 Q. Okay. And other than that, let's say, for 7 instance, Ms. Richard's personnel file, is that -- is 8 that digital, is that in a file cabinet? How is that 9 stored? 10 A. It's in a file cabinet. 11 Q. Okay. Does she have one personnel file or a 12 second separate one for medical records? 13 A. She has one personnel file. 14 Q. Okay. And -- And that document would have 15 already been produced in the file itself? 16 A. That's correct. 17 Q. Okay. Now, I believe I have asked you 18 questions related to 27 and 28. You've already 19 discussed with me the communications between supervisors 20 and management involved in the decision to terminate, 21 correct? 22 A. Correct. 23 Q. Are you aware of any other conversations that 24 we haven't already discussed? 25 A. I'm not.</p>	<p style="text-align: right;">Page 76</p> <p>1 A. Correct. 2 Q. Were you notified or do you know who was 3 specifically notified, "Hey, she's not here today"? 4 A. We were notified. That would have been Alan 5 Garza and I believe her name was Heather Siegmund -- 6 Q. Okay. 7 A. -- was the HR person in Texas at that time 8 prior to Tia, and they went on two occasions to do the 9 termination and she wasn't there on two consecutive 10 days, so they went back a third time the following week 11 to terminate Ms. Richardson. 12 Q. Okay. So, they go back twice. And you said 13 Heather Siegmund? 14 A. Heather Siegmund. 15 Q. And how is her name spelled, if you know? 16 A. S-I-E-G-M-U-N-D. 17 Q. Okay. And Ms. Siegmund, was she from the 18 corporate office? 19 A. No, she was from the San Antonio, Texas office. 20 Q. Okay. Now, did the San Antonio, Texas office, 21 does her HR role serve for all the other Texas offices? 22 A. She would be the leader of the HR function 23 throughout the state of Texas. 24 Q. Okay. So, she and Mr. Garza show up one day 25 she's not there. Do you first receive a communication</p>
<p style="text-align: right;">Page 75</p> <p>1 Q. And are there any other communication that 2 you're aware of, whether they be a phone, email, 3 internal messaging? 4 A. I'm not. 5 Q. Would there be any text messages that were sent 6 about the reason to terminate? 7 A. No. 8 Q. Would there be any text messages or other 9 communications about the time to meet related to that 10 meeting? 11 A. I don't believe so. 12 Q. Okay. And are there any other meetings besides 13 what we discussed today about her complaint of race and 14 gender discrimination? 15 A. No. 16 Q. Okay. Do you remember having any meetings 17 after the fact, or communications after the fact, that 18 the decision was made to terminate, related to her 19 termination? And I can break that down, too. 20 A. If you could. 21 Q. Sure. So, a decision is made to terminate 22 her -- 23 A. Uh-huh. 24 Q. -- but at some point people go up to her and 25 inform her she's terminated, she's not even there.</p>	<p style="text-align: right;">Page 77</p> <p>1 that day that she's not there? 2 A. I believe so. 3 Q. Do you recall if it was a phone call or an 4 email? 5 A. I believe it was a phone call. 6 Q. Okay. And what is your response? 7 A. Just accepting the information that she wasn't 8 there and that they would try to go back tomorrow and to 9 make the termination. 10 Q. And then, on the second day, did they call you 11 again? 12 A. I don't recall. 13 Q. Okay. 14 A. But I would -- I would think so. 15 Q. Are you aware that they called anybody else 16 about their attempts to -- 17 A. No. 18 Q. And when they show up to the office, do you 19 know if they -- did they kind of detail what they went 20 through to see if she was there or not, or did they just 21 walk over to her office? 22 A. I don't know what transpired. 23 Q. Okay. So, you wouldn't be aware if they 24 communicated to any of the employees that they were 25 there to terminate her?</p>

<p style="text-align: right;">Page 78</p> <p>1 A. I would think they didn't, but no, I -- I -- I</p> <p>2 wouldn't beware of that, if they did that or not.</p> <p>3 Q. Okay. And then, she's -- she's finally</p> <p>4 terminated that next week, correct?</p> <p>5 A. I believe it was a Monday.</p> <p>6 Q. Okay. And was it discussed with you, "Hey,</p> <p>7 look, we're just going to follow up next week when we</p> <p>8 think she'll be there"?</p> <p>9 A. Well, because she hadn't shown up the previous</p> <p>10 two times, it was, you know, a foregone conclusion they</p> <p>11 were going to go back the next business day to try to</p> <p>12 make the termination.</p> <p>13 Q. And do you recall any -- any further</p> <p>14 conversations that you had related to that?</p> <p>15 A. I do not.</p> <p>16 Q. After she's given notice of her termination, do</p> <p>17 you recall any other discussions of her -- her</p> <p>18 termination or her separation of employment, besides</p> <p>19 what we've discussed today?</p> <p>20 A. I don't recall.</p> <p>21 Q. Okay. Is there any other discussions of her</p> <p>22 complaint of race, besides what we've discussed today?</p> <p>23 A. Not besides what we've discussed today.</p> <p>24 Q. Okay. Okay. So, number 30, the policies and</p> <p>25 procedures of Defendant regarding the hiring and firing</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. Sure. From when you were hired forward, what</p> <p>2 is your knowledge of the training he received on</p> <p>3 discrimination and harassment?</p> <p>4 A. So, there's an employee handbook to discuss</p> <p>5 that policy, there's -- that you acknowledge that you</p> <p>6 have read through and understand the policies and</p> <p>7 procedures within the handbook. There's an orientation</p> <p>8 process where policies are pointed out and gone over.</p> <p>9 But besides that, that's basically what happens for</p> <p>10 all -- all employees.</p> <p>11 Q. So, if he had been hired 26 years ago, his --</p> <p>12 his training would have been: Provided a policy that he</p> <p>13 acknowledges --</p> <p>14 A. Uh-huh.</p> <p>15 Q. -- and then an orientation about those</p> <p>16 policies?</p> <p>17 A. Yeah.</p> <p>18 Q. And then nothing else related to it?</p> <p>19 A. Well, annual, we have in-services where, you</p> <p>20 know, you acknowledge any change to policies, any new</p> <p>21 policies. There's specific topics that are discussed in</p> <p>22 the in-services. You know, every year, the topics</p> <p>23 change, but he may have also had something annually at</p> <p>24 some point during one of those in-services.</p> <p>25 Q. Do you know what the length of those</p>
<p style="text-align: right;">Page 79</p> <p>1 of supervisory and managerial personnel; number 31, the</p> <p>2 policies and procedures used by Defendant to determine</p> <p>3 the qualifications of that supervisory and managerial</p> <p>4 personnel; and number 32, the policies and procedures of</p> <p>5 Defendant regarding the training, discipline, promotion,</p> <p>6 and performance evaluations of supervisory and</p> <p>7 managerial personnel. Do you have knowledge of those</p> <p>8 topics?</p> <p>9 A. I do.</p> <p>10 Q. Okay. What was the -- Do you recall when Alan</p> <p>11 Garza was hired?</p> <p>12 A. I don't know the exact date, but I've been</p> <p>13 employed, for The Medical Team, for 21 years, and he had</p> <p>14 been there for about five years when I started, so he</p> <p>15 would have started sometime in the early '90s.</p> <p>16 Q. Okay. So, you wouldn't have been aware if</p> <p>17 there had been a background check or anything like that</p> <p>18 conducted on him?</p> <p>19 A. That would have been the policy.</p> <p>20 Q. Okay. And do you know what training he would</p> <p>21 receive related to compliance with the discrimination</p> <p>22 and harassment policy?</p> <p>23 A. I don't have knowledge of what happened back in</p> <p>24 the early '90s, but I have knowledge of what happened</p> <p>25 when I was hired and what goes on today.</p>	<p style="text-align: right;">Page 81</p> <p>1 in-services are on an annual basis?</p> <p>2 A. A couple of hours.</p> <p>3 Q. Couple of hours? Okay. Is there a test at the</p> <p>4 end of them or how -- how are they graded or how are</p> <p>5 they shown that they've learned the material?</p> <p>6 A. If there's a test -- If -- Yeah, there can be a</p> <p>7 test. If you're just acknowledging a change of a policy</p> <p>8 or a new policy, then it's just a signature</p> <p>9 acknowledging that you've read and understand the change</p> <p>10 of policy or the new policy.</p> <p>11 Q. Okay. And you said if there's a test. Is</p> <p>12 there a test, that you know of, that they would be given</p> <p>13 related to discrimination and harassment?</p> <p>14 A. Not that I'm aware of.</p> <p>15 Q. Okay. So, overall, there's -- there's a couple</p> <p>16 of hours given annually, and they sign off, "Hey, we --</p> <p>17 we know this material now"?</p> <p>18 A. That's correct.</p> <p>19 Q. And it's not two hours specifically going over</p> <p>20 discrimination and harassment, but all the changes in</p> <p>21 policy, correct?</p> <p>22 A. That would be correct.</p> <p>23 Q. Okay. So, if there's multiple -- Well, let me</p> <p>24 rephrase that.</p> <p>25 So, if you have a couple of hours each</p>

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<p style="text-align: right;">Page 82</p> <p>1 year, that would include everything related to federal 2 discrimination laws, correct? 3 A. Uh-huh. I'm sorry. Yes. 4 Q. State discrimination laws, correct? 5 A. Yes. 6 Q. Policies related to discrimination, correct? 7 A. Yes. 8 Q. Any changes in timekeeping? 9 A. Yes. 10 Q. Any changes in how -- I guess, how the company 11 remains profitable, correct -- or any updates on the 12 policies related to that? 13 A. Any updates on policies. 14 Q. Sure. So, any and all -- any and all policies 15 in the handbook, whether it be PTO or timekeeping or 16 dress code or smoking in the workplace, would have been 17 covered in that two-hour policy time? 18 A. If there was a change in that policy. 19 Q. Gotcha. 20 A. Yes. 21 Q. Okay. So, if there are no changes in the 22 policy, then there's nothing covered in the in-service? 23 A. Correct. 24 Q. Okay. Since you've been there, do you recall 25 Alan Garza, kind of, the promotions he's been through or</p>	<p style="text-align: right;">Page 84</p> <p>1 A. No. 2 Q. Okay. And we've already gone over all the 3 training that would have been received on compliance 4 with Title VII of the Civil Rights Act, or Chapter 21 of 5 the Texas Labor Code, by Alan Garza? 6 A. We've gone over that? 7 Q. Have we already gone over all that training? 8 A. Yeah. 9 Q. Okay. 10 A. I believe so. 11 MR. CAMMACK: I'm going to review my 12 notes, but I think I'm about done, so -- 13 THE WITNESS: Okay. 14 MR. CAMMACK: -- if we can take about five 15 minutes? 16 THE VIDEOGRAPHER: We're off the record at 17 12:36. 18 (Recess 12:36 p.m. to 12:44 p.m.) 19 THE VIDEOGRAPHER: We're back on the 20 record at 12:44. 21 Q. (BY MR. CAMMACK) All right. Is it your 22 understanding that Ms. Richardson was provided notice of 23 her termination on January 27th, 2017? 24 A. That's my understanding. 25 Q. Okay. Were there any phone call attempts made</p>
<p style="text-align: right;">Page 83</p> <p>1 how he's made his way through The Med Team? 2 A. Yes, I know, for the most part, his promotions. 3 Q. Could you describe some of those or describe 4 them to me? 5 A. Sure. So, Alan is an MBA, got a master's of 6 business somewhere in Texas, started off actually in our 7 IT department, and then got promoted into the accounting 8 department. Was in our accounting department for 9 several years, got promoted to be in charge of all of 10 the accounting for Texas, and then eventually got 11 promoted to regional manager, which I believe is where 12 he is today. 13 Q. Okay. Now, on number 33, that regards policies 14 and procedures for documentation of an employee's report 15 of discrimination, harassment, or retaliation. 16 Ms. Jackson testified a little bit about that 17 documentation process. Is there anything in addition to 18 her testimony that -- that you would add? 19 A. No. 20 Q. Okay. And have you had any other employees in 21 the past 10 years complain of race discrimination? 22 A. No. 23 Q. Of national origin discrimination? 24 A. No. 25 Q. Of gender discrimination?</p>	<p style="text-align: right;">Page 85</p> <p>1 to notify her of her termination? 2 A. Not that I'm aware of. 3 Q. Is it policy that they need to be told in 4 person, or is that just kind of how it happened that 5 day? 6 A. It's kind of how it happened that day. 7 Q. Okay. Was anything memorialized about the 8 meeting to terminate, that you're aware of? 9 A. Not that I'm aware of. 10 Q. Do you recall if she was provided any specific 11 termination paperwork? 12 A. I don't recall. 13 Q. Okay. Do you recall if she protested or filed 14 any type of grievance as a result of her termination? 15 A. Not that I'm aware of. 16 Q. Are you aware of who a Z-I-N-I-N-A Harris -- 17 Zinina Harris is? 18 A. I am not. 19 Q. Do you know who Valerie Castellon is? 20 A. I do not. 21 Q. Okay. Have you understood all my questions 22 today? 23 A. I have. 24 Q. Is there any part of your testimony you'd like 25 to clarify?</p>



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<p style="text-align: right;">Page 86</p> <p>1 A. There is not.</p> <p>2 MR. CAMMACK: Okay. I will pass the</p> <p>3 witness.</p> <p>4 MR. GARZA: Reserve until the time of</p> <p>5 trial.</p> <p>6 MR. CAMMACK: Okay. Thank you for your</p> <p>7 time.</p> <p>8 THE WITNESS: Thank you.</p> <p>9 THE VIDEOGRAPHER: We're off the record at</p> <p>10 12:45.</p> <p>11 (Deposition concluded 12:45 p.m.)</p> <p>12 (Pursuant to FRCP 30(e)(1), request to</p> <p>13 review the transcript was not made by</p> <p>14 either deponent or party before the</p> <p>15 deposition was completed.)</p> <p>16 *****</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 88</p> <p>1 _____ was requested by the Deponent or a party</p> <p>2 before the completion of the deposition and is to be</p> <p>3 returned within 30 days from date of receipt of the</p> <p>4 transcript.</p> <p>5 If returned, the attached Changes and Signature</p> <p>6 Page contains any changes and the reasons therefor;</p> <p>7 ___X___ was not requested by the Deponent or a</p> <p>8 party before the completion of the deposition.</p> <p>9 That the amount of time used by each party at</p> <p>10 the deposition is as follows:</p> <p>11 Thomas N. Cammack, III - 1 hour 55 minutes</p> <p>12 I further certify that I am neither attorney,</p> <p>13 nor counsel for, related to, nor employed by any of the</p> <p>14 parties to the action in which this testimony is taken.</p> <p>15 Further, I am not a relative or employee of any attorney</p> <p>16 of record in this cause, nor do I have a financial</p> <p>17 interest in the action.</p> <p>18 SUBSCRIBED AND SWORN TO on this _____ day of</p> <p>19 _____, 2018.</p> <p>20 <i>Naomi R. Peltier</i></p> <p>21 _____</p> <p>22 Naomi R. Peltier, CSR, RPR</p> <p>23 Texas CSR 3672</p> <p>24 Expiration: 10/31/21</p> <p>25 Kim Tindall &amp; Associates, LLC</p> <p>Firm No. 631</p> <p>16414 San Pedro, Suite 900</p> <p>San Antonio, Texas 78232</p> <p>(210) 697-3400</p>
<p style="text-align: right;">Page 87</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE WESTERN DISTRICT OF TEXAS</p> <p>3 SAN ANTONIO DIVISION</p> <p>4 RENEE RICHARDSON, )</p> <p>5 )</p> <p>6 Plaintiff )</p> <p>7 )</p> <p>8 VS. ) NO. 5:18-CV-151-FB</p> <p>9 )</p> <p>10 THE MEDICAL TEAM, INC. )</p> <p>11 d/b/a THE MED TEAM, INC., )</p> <p>12 )</p> <p>13 Defendant )</p> <p>14 )</p> <hr/> <p>15 REPORTER'S CERTIFICATE</p> <p>16 VIDEOTAPED DEPOSITION OF RYAN GRISARD</p> <p>17 A CORPORATE REPRESENTATIVE OF THE MEDICAL TEAM, INC.</p> <p>18 d/b/a THE MED TEAM, INC.</p> <p>19 NOVEMBER 28, 2018</p> <hr/> <p>20 I, NAOMI R. PELTIER, Certified Shorthand</p> <p>21 Reporter in and for the State of Texas, do hereby</p> <p>22 certify to the following:</p> <p>23 That the witness, RYAN GRISARD, A CORPORATE</p> <p>24 REPRESENTATIVE OF THE MEDICAL TEAM, INC. d/b/a THE MED</p> <p>25 TEAM, INC., was duly sworn by the officer and that the</p> <p>transcript of the oral deposition is a true record of</p> <p>the testimony given by the Witness.</p> <p>I further certify that pursuant to FRCP Rule</p> <p>30(e)(1) that the signature of the Deponent:</p>	

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Ryan Grisard

November 28, 2018  
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# **Exhibit D**

In the Matter Of:

*RENEE RICHARDSON*

vs

*THE MEDICAL TEAM, INC., ET AL.*

---

*SARAH GOGO*

*February 06, 2019*



1 Videotaped Deposition of Sarah Gogo, a  
2 witness, held at the offices of:

3 REGUS

4 2010 Corporate Ridge

5 Suite 700

6 McLean, Virginia 22102

Pursuant to notice and/or agreement,  
before Sandria L. Cox, Court Reporter and  
Notary Public in and for the Commonwealth of  
Virginia.

1 A-P-P-E-A-R-A-N-C-E-S

2

3 ON BEHALF OF THE PLAINTIFF:

4 (by video conference)

5 THOMAS N. CAMMACK, III, ESQUIRE

6 Poncio Law Offices, PC

7 5410 Fredericksburg Road, Suite 109

8 San Antonio, Texas 78229

9 210-441-7058

10

11

12

13 ON BEHALF OF THE DEFENDANT:

14 JUDY BENNETT GARNER, ESQUIRE

15 Jackson Walker, LLP

16 2323 Ross Avenue, Suite 600

17 Dallas, Texas 75201

18 214-953-6167

19 jgarner@jw.com

20

21

22 Also Present:

23 Akim Graham, Video Technician

24 Nick Tzirimis, Vice President, The Med Team

25

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1 C-O-N-T-E-N-T-S

2

3 EXAMINATION OF SARAH GOGO

PAGE:

4 By Ms. Garner

6

5 By Mr. Cammack

18

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10 E-X-H-I-B-I-T-S

11 (Attached)

12

13 GOGO DEPOSITION

MARKED:

14 Exhibit 1 (Richardson/Gogo Email)

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1 P-R-O-C-E-E-D-I-N-G-S

2 VIDEO TECHNICIAN: Here begins the  
3 deposition of Sarah Gogo in the matter of  
4 Renee Richardson versus The Medical Team,  
5 Incorporated, doing business as The Med Team,  
6 Incorporated, in the United States District  
7 Court for the Western District of Texas, San  
8 Antonio Division, Civil Action No.  
9 5:18-CV-151-FB.

10 Today's date is February 6, 2019.  
11 The time on the video monitor is 3:21 p.m.

12 The video operator today is Akim  
13 Graham.

14 This video deposition is taking  
15 place at 2010 Corporate Ridge in McLean,  
16 Virginia.

17 Counsel, please voice-identify  
18 yourselves and state whom you represent.

19 MS. GARNER: Judy Bennett Garner for  
20 The Med Team.

21 MR. CAMMACK: Thomas Cammack for  
22 Renee Richardson.

23 VIDEO TECHNICIAN: The court  
24 reporter today is Sandy Cox of Epiq. Would  
25 the reporter please swear in the witness.

1 (Witness sworn.)

2 Whereupon,

3 SARAH GOGO,

4 a witness, was called for examination by  
5 counsel for defendant, and, after having been  
6 first duly sworn, was examined and testified  
7 as follows:

8 EXAMINATION BY COUNSEL FOR DEFENDANT

9 BY MS. GARNER:

10 Q. Ms. Gogo, thank you so much for  
11 being here today. We hope not to keep you  
12 that long.

13 Renee Richardson has filed a lawsuit  
14 against The Med Team, Incorporated, and I  
15 represent The Med Team.

16 Have you ever been deposed before?

17 A. Deposed?

18 Q. Deposed.

19 A Oh. No.

20 Q. Okay. So the court reporter just  
21 swore you in. Do you understand that you're  
22 testimony here today is under oath under  
23 penalty of perjury?

24 A Yes.

25 Q. Do you undersand that you are

1     testifying today as if you were in a courtroom  
2     with a jury?

3                    A        Yes.

4 Q. And just before we get started, I  
5 would just like to set a few groundrules that  
6 just makes the deposition proceed a little bit  
7 easier.

8           The first is I'm going to ask you a  
9   series of questions and hopefully you will  
10 provide answers to those questions.

11 I just ask that you allow me to  
12 finish my question before you answer. Will  
13 you agree to do that?

14           A.     Yes.

15 Q. Also, the court reporter is here,  
16 taking down everything that's said during the  
17 deposition. So that we have a clean record, I  
18 just ask that you provide verbal responses for  
19 all of your answers. Will you agree to do  
20 that?

21                   A       Yes.

22 Q. If you don't understand a question,  
23 will you agree that you will let me know and  
24 ask me to ask the question again or provide  
25 clarity to the question?

1 A. Yes.

2 Q. Now, I don't expect that this  
3 deposition will take very long. However, if  
4 at any time you need a break, that's fine. I  
5 just ask that if a question is on the floor,  
6 if I've asked a question, that you answer that  
7 question before we take a break. Will you  
8 agree to do that?

9 A Yes.

10 Q. Perfect. Are you on any medications  
11 that would prohibit you from testifying  
12 truthfully and honestly today?

13 A No.

14 Q. Is there any other reason that you  
15 would not be able to testify truthfully and  
16 honestly today?

17 A No.

18 Q. Will you let me know anytime during  
19 this deposition if anything happens that would  
20 prohibit you from testifying truthfully and  
21 honestly today?

22 A Yes.

23 Q. Just a couple background questions.  
24 What is your current address?

25 A. 12865 Kitchen House Way, Germantown,

1 Maryland 20874.

2 Q. And how long have you lived there?

3 A. A year.

4 Q. When did you begin working for The  
5 Med Team?

6 A. September 2016.

7 Q. Okay. And what was your job title  
8 at the time of hire?

9 A. Director of HR.

10 Q. And "HR" meaning Human Resources?

11 A Yes.

12 Q. Did your job title change at all  
13 during your tenure with The Med Team?

14 A No.

15 Q. And what were some of your  
16 responsibilities as the Director of Human  
17 Resources?

18 A. Oversight of the HR function,  
19 training of HR staff, implementation of any  
20 executive policies, participating with  
21 leadership teams, some low-level employee  
22 relations, benefit administration. All HR  
23 functions.

24 Q. Did you ever receive any complaints  
25 from employees while you were the Director of

1 Human Resources?

2 A. No.

3 Q. No?

4 A. Unh-unh.

5 Q. What was the process, I guess? If  
6 you had received complaints from someone, an  
7 employee, what would have been your process to  
8 deal with that complaint?

9 A. I would notify the leadership,  
10 executive leadership, Leslie and Ryan, and  
11 also copy Nick in, and then recommend sending  
12 it out to their attorney if it warranted it.

13 Q. Do you currently work for The Med  
14 Team?

15 A. I do not.

16 Q. And when was your last day of  
17 employment with The Med Team?

18 A. April 13, 2018.

19 Q. Okay. And are you currently  
20 employed?

21 A. And who is your current employer?

22 A. I'm self-employed.

23 Q. Self-employed?

24 A. Uh-huh.

25 Q. When you worked for The Med Team,

1 did you work out of the Reston, Virginia  
2 office?

3 A. That was my home base.

4 Q. That was your home base. Okay. But  
5 you traveled some in your role as the Director  
6 of Human Resources?

7 A Yes.

8 Q. Did you know the plaintiff Renee  
9 Richardson before you began working for The  
10 Med Team?

11 A No.

12 Q. Okay. But you met her as a result  
13 of your working for The Med Team?

14 A Yes.

15 Q. And do you recall when you met her?

16 A. December.

17 Q. December of 20 --

18 A. -- 17.

19 Q. So you met Renee in December of  
20 2017?

21 A. Yes.

22 Oh, no. I met her -- . I started  
23 in 2016 with The Med Team, so I met her  
24 December 2016.

25 Q. '16. And did you interact with her



1 frequently while you were employed by The Med  
2 Team?

3 A. No.

4 Q. And when you met her, did you first  
5 meet her face-to-face or was it over the  
6 e-mail or over the phone?

7 A. It was face-to-face.

8 Q. Okay. Tell me about that  
9 face-to-face meeting. Was it a meeting  
10 actually?

11 A. It was on a trip to Texas. It was  
12 my initial training. I visited San Antonio,  
13 Austin, and then the office where Renee  
14 worked. So it was just a general go and see  
15 the workings of Med Team and to meet some of  
16 the staff and have them get to know me as  
17 well.

18 Q. Okay. Did you meet with Ms.  
19 Richardson one-on-one during that time?

20 A. I did.

21 Q. And tell me about your conversation  
22 the one-on-one meeting with her.

23 A. It was basic. We talked about her  
24 background, what it was like for her to work  
25 in the office; any things that she thought HR

1 could be doing better for her and her team,  
2 training needs.

3 Q. During that one-on-one meeting that  
4 occurred I guess in December of 2016 -- is  
5 that right?

6 A. Uh-huh.

7 Q. -- during that meeting did Ms.  
8 Richardson make any complaints to you of race  
9 discrimination?

10 A. No.

11 Q. During that meeting did Ms.  
12 Richardson make any complaints to you of  
13 harassment or a hostile work environment?

14 A. No.

15 Q. During that meeting did Ms.  
16 Richardson ever tell you that she felt that  
17 she was being treated unfairly because of her  
18 race?

19 A. No.

20 Q. If Ms. Richardson had told you that  
21 she felt that she was being treated unfairly  
22 because of her race or would suffer from  
23 discrimination or harassment, would you have  
24 followed the complaint procedure we discussed  
25 earlier?

1 A Yes.

2 Q. Outside of that meeting --.

3 Was that your only face-to-face  
4 meeting with Ms. Richardson?

5 A. Yes.

6 Q. So December 2016 was the only time  
7 you met with her face-to-face?

8 A. Yes.

9 Q. Did you have other communications  
10 with her via phone and e-mail after that  
11 meeting?

12 A. No.

13 Q. No. Okay. So did Ms. Richardson  
14 ever call you or e-mail you with questions  
15 about anything after that meeting?

16 A. She claims to have e-mailed me but I  
17 didn't receive an e-mail.

18 Q. We'll talk about that in one second.

19 Outside of the meeting that you had  
20 with her in December of 2016, during any other  
21 time that you were employed by The Med Team  
22 did Ms. Richardson make any complaints to you  
23 of race discrimination?

24 A No.

25 Q. Outside of your one-on-one meeting

1 with her in December 2016, did Ms. Richardson  
2 make any complaints to you of harassment or  
3 hostile work environment?

4 A. No.

5 (The Richardson/Gogo e-mail  
6 dated 1/20/17 was marked  
7 Gogo Exhibit 1 for  
8 identification.)

9 BY MS. GARNER:

10 Q. I'm going to hand you what I have  
11 marked as Exhibit 1 there. There you go.

12 MS. GARNER: Thomas, I sent you the  
13 copy of the exhibit. E-mailed it to you.

14 MR. CAMMACK: I received it.

15 MS. GARNER: Okay. Perfect.

16 MR. CAMMACK: I received it.

17 MS. GARNER: Great.

18 BY MS. GARNER:

19 Q. Ms. Gogo, do you recognize this  
20 document? If you need time to read through  
21 it, you're more than welcome to take the time  
22 reading it.

23 A. (Reading.)

24 I don't recognize it.

25 Q. At the top it says from Renee

1 Richardson, sent on Friday, January 20, 2017,  
2 at 7:39 a.m., to Sarah Gogo. Subject: NB  
3 Situation.

4 Did I read that correctly?

5 A Yes.

6 Q. Do you recall receiving a copy of  
7 this email in your Med Team e-mail in-box on  
8 January 20, 2017?

9 A. No, I don't recall that.

10 Q. While you were employed with The Med  
11 Team, did any other Med Team employee ever ask  
12 you if you received an e-mail from Ms.  
13 Richardson in which she alleged race  
14 discrimination or a hostile work environment?

15 A. Yes.

16 Q. And who asked you about that?

17 A. Ryan, Chris, the CFO, and Nick.

18 Q. Do you recall when they asked you?

19 A. It had to be this week, that week of  
20 January 18th.

21 Q. So sometime around January 20th or  
22 so is when they asked you about it?

23 A. I think so.

24 Q. Okay. Do you recall if they asked  
25 you before Ms. Richardson was terminated?

1 A. I don't recall that.

2 Q. Okay. And what did they ask you?

3 A. They asked me if I had received an  
4 e-mail from her and I said no. And they  
5 actually came in and looked at my e-mail  
6 account. And I think maybe the IT director  
7 was there as well. And they looked, searched,  
8 to see if I had actually received it.

9 Q. So they took your computer and they  
10 looked through -- what you believe -- they  
11 looked through your files to see if you  
12 received an e-mail from Ms. Richardson?

13 A Yes.

14 Q. Okay. And do you know if they found  
15 an e-mail from Ms. Richardson in which she  
16 made a complaint of race discrimination or  
17 hostile work environment?

18 A. I would say no, they didn't find it.

19 Q. Okay. If you had received this  
20 e-mail which is marked as Exhibit 1, would you  
21 have followed the complaint procedure that we  
22 discussed earlier?

23 A Yes.

24 Q. Were you involved in the decision to  
25 terminate Ms. Richardson's employment with The

1 Med Team?

2 A. No.

3 Q. Did you make the decision to  
4 terminate Ms. Richardson's employment with The  
5 Med Team?

6 A. No.

7 Q. All right. I'll pass the witness.

8 EXAMINATION BY COUNSEL FOR THE  
9 PLAINTIFF

10 BY MR. CAMMACK:

11 Q. I'm sorry, Ms. Gogo. I didn't hear  
12 what your response was when they asked if you  
13 had been questioned about the e-mail before or  
14 after termination. You were questioned about  
15 the e-mail before or after termination?

16 A. I think it was before. I don't  
17 recall exactly.

18 Q. So Ryan came to you and he was aware  
19 that she sent an e-mail claiming  
20 discrimination prior to her termination;  
21 correct?

22 A Yes.

23 MS. GARNER: Objection.  
24 Mischaracterizes testimony.

25 BY MR. CAMMACK:





1 I have examined and read the  
2 foregoing 19 pages and find the  
3 answers contained therein with  
4 changes made by me, if any, to  
5 be true and correct.

6

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Sarah Gogo

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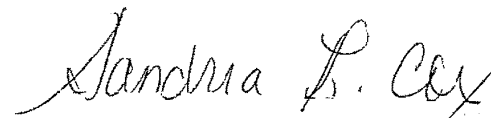
24

25

## 1 CERTIFICATE OF REPORTER

2 I, Sandria L. Cox, do hereby certify that  
3 the foregoing proceedings were taken by me in  
4 stenotype and thereafter reduced to transcript  
5 under my supervision; that said proceedings  
6 are a true record of the testimony given by  
7 said witness; that I am neither counsel for,  
8 related to, nor employed by any of the parties  
9 to the action in which these proceedings were  
10 taken; and further, that I am not a relative  
11 or employee of any attorney or counsel  
12 employed by the parties hereto, nor  
13 financially or otherwise interested in the  
14 outcome of the action.

15 Given under my hand this 13th day of  
16 February, 2019.

17   
18 \_\_\_\_\_

19 Sandria L. Cox

20 Court Reporter  
21  
22  
23  
24  
25

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Exhibits	5:11	Antonio	C
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**Renee Richardson**

---

**From:** Renee Richardson  
**Sent:** Friday, January 20, 2017 7:39 AM  
**To:** Sarah Gogo  
**Subject:** NB Situation

**Importance:** High

Good Morning Sarah,

I want to update you on the situation I emailed you about Wednesday, January 18, 2017. I met with Christina and Ms. Harvey in person; and Alan by speaker phone on Wednesday regarding the situation I emailed you about.

The situation remains unresolved until Ms. Harvey meets with Elka. Sarah, given the current situation and past instances, I have always felt like Alan has never supported me or respected me in this position because I am a black woman. The reason I am expressing it now is because of the bias in this situation with Elka and another incident Christina informed me of recently, which I will discuss in the closing of my email.

Although, I have not worked closely with Ms. Harvey, I have always respected her and held her in high regard. However, after meeting with Ms. Harvey on Wednesday, I am still troubled by the handling of the situation and the allegations Elka has made against the staff in the NB office. Ms. Harvey's questions to me, "Is it because she's out of the office most of the time, the reason they don't want to work with her"? This type of questioning without proof, nor having witnessed her being treated inappropriately by others is something I cannot answer. This entire situation has defeated me and has created a hostile work environment, which has made me very uncomfortable. I am using the "open door communication policy" to communicate with you, the HR Corporate Director, or someone who is willing to take an unbiased approach in resolving this matter.

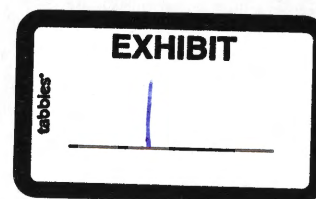
The last concern I have is regarding a written counseling against me regarding a self-reported incident that incurred a monetary fine against the company. I consulted with Christina regarding a case for guidance on how to handle what I considered to be Medicaid Fraud. After Christina reviewed the case, she instructed me to file an APS report which I did immediately. According to Christina, Alan informed her that I will be written up, despite her telling him that she gave me directions on how to handle my findings. I did the responsible thing by obtaining guidance from my superior on an issue. I should not be punished for instructions given to me by my direct boss. I only want to be treated fairly. Based on Alan's insistence that I be written up despite being aware that my actions were based on instructions given to me, reinforces my belief regarding his treatment towards me.

I am following company policy regarding the open door policy. Also, I am only asking that the employees, including myself, to be treated with fairness, dignity, and respect.

Respectfully,

Renee

Renee Richardson  
 Branch Manager  
 MED TEAM, INC.  
 1423 N. Walnut Ave. # 102



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# **Exhibit E**

RENEE RICHARDSON - 12/04/2018

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

ORIGINAL

RENEE RICHARDSON  
Plaintiff,

§  
§  
§  
§  
§  
§  
§  
§  
§

VS.

CIVIL ACTION  
NO. 5:18-CV-151-FB

THE MEDICAL TEAM, INC.  
d/b/a THE MED TEAM, INC.  
Defendant.

\* \* \* \* \*

ORAL DEPOSITION OF  
RENEE RICHARDSON  
DECEMBER 4, 2018

\* \* \* \* \*

ORAL DEPOSITION of RENEE RICHARDSON, produced  
as a witness at the instance of the Defendant, and duly  
sworn, was taken in the above-styled and numbered cause  
on the 4th day of December, 2018, from 10:02 a.m. to  
5:05 p.m., before Joanna M. Martinez, CSR, RMR, in and  
for the State of Texas, reported by machine shorthand,  
at the PONCIO LAW OFFICES, 5410 Fredericksburg Road,  
Suite 109, San Antonio, Texas, pursuant to the Federal  
Rules of Civil Procedure.

RENEE RICHARDSON - 12/04/2018

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A P P E A R A N C E S

FOR THE PLAINTIFF:

Thomas N. Cammack III  
PONCIO LAW OFFICES, P.C.  
5410 Fredericksburg Road, Suite 109  
San Antonio, Texas 78229  
(210) 212-7979

FOR THE DEFENDANT:

Richard G. Garza  
JACKSON WALKER L.L.P.  
112 E. Pecan, Suite 2400  
San Antonio, Texas 78205  
(210) 978-7700

ALSO PRESENT:

Renee Richardson, The Witness  
Alan Garza  
Joanna M. Martinez, CSR, RMR

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(The Reading of Federal Rule 30(b)(5)(A)  
into the record waived by all parties  
present.)

RENEE RICHARDSON,  
having been first duly sworn, testified as follows:

EXAMINATION

BY MR. GARZA:

Q. Good morning, Miss Richardson.

A. Good morning.

Q. My name is Rick Garza. I'm a lawyer  
representing The Medical Team, and this is your  
deposition. Do you -- have you ever given a deposition  
before?

A. Yes.

Q. Okay. How long ago was that?

A. I don't remember exactly. Several months ago.

Q. Okay. So you know that a deposition is, number  
one, under the penalty of perjury, right?

A. Yes.

Q. And, number two, because the court reporter is  
taking down everything that you and I say, we need to be  
mindful of starting my question -- I'll start my  
question after you finish your answer, and you need to  
finish your -- you start your answer after I finish my  
question so that we're not talking over each other. Is

1 that okay?

2 A. Yes.

3 Q. And then also as part of your deposition, as  
4 you know, we need a word response to each of the  
5 questions that -- whether it's a yes or a no rather than  
6 uh-huh or huh-uh because it's clearer. Okay?

7 A. Yes.

8 Q. All right. If you do not understand a question  
9 that I have asked, let me know. I will try to rephrase  
10 it so that it is understandable.

11 A. Okay.

12 Q. And I guess with that, we'll get started.

13 Where are you working now, ma'am?

14 A. I work with the Area Agency on Aging. Area  
15 Agency on Aging.

16 Q. Okay.

17 A. And there's another part to that.

18 Q. Is there an acronym that that goes by?

19 A. AAA.

20 Q. AAA. Okay. And how long have you been working  
21 with that entity?

22 A. I started -- I believe my start date was  
23 April 1st of this year.

24 Q. 2018?

25 A. Yes.

1 Q. All right. And you said there was another part  
2 to it. I'm just not --

3 A. AACOG. It's the Alamo Area Council of  
4 Government.

5 Q. Okay. Just so I understand, is AACOG the  
6 governing entity of AAA?

7 A. Yes.

8 Q. Okay. And so do you work directly for AAA or  
9 with -- for AACOG?

10 A. I'm really not sure how that's set up.

11 Q. Who is on your paycheck?

12 A. I've never really paid attention to my  
13 paycheck.

14 Q. Have you received any pay stubs from there?

15 A. Everything is electronic.

16 Q. Okay.

17 A. So I really haven't paid attention.

18 Q. Have you reviewed those pay stubs?

19 A. I have, but I have -- I've never really paid  
20 attention to the name on the pay stub.

21 Q. Okay. So how much -- when you started in April  
22 of 2018, what was your position?

23 A. My position is care services coordinator.

24 Q. Okay. Was that your position back in April of  
25 2018?

1 A. This year, April 2018?

2 Q. Yes.

3 A. That's my position.

4 Q. Okay. That's the position you were hired into?

5 A. Yes.

6 Q. And say that again. What was the position?

7 A. Care services coordinator.

8 Q. And what does -- what do you do in that  
9 position?

10 A. What I do in that position is I oversee eight  
11 care specialists. I assist with budgets. I delegate  
12 work assignments, and I assign cases. I also research  
13 grant opportunities. And there are some other  
14 assignments, but I can't think of everything at this  
15 moment.

16 Q. You say you assign cases. Who do you assign  
17 those cases to?

18 A. The care specialist.

19 Q. And those care specialists that you supervise,  
20 are those employees of AAA?

21 A. Yes.

22 Q. Do those care specialists work for any other  
23 entities?

24 A. I wouldn't have any knowledge of that.

25 Q. Okay. Well, but what I'm saying, though, is

1 through AAA, do they -- do they work with any other  
2 entities?

3 A. What do you mean by that?

4 Q. Well, is there a co-employer, is there another  
5 employer in that relationship other than with AAA? You  
6 supervise the specialists. Do they have another boss  
7 somewhere else, another entity?

8 A. Yes.

9 Q. Okay. Who is that entity?

10 A. That would be my manager.

11 Q. And who is your manager?

12 A. Trina Salazar.

13 Q. Okay. How long has Miss Salazar been your  
14 boss?

15 A. Since I started, April 1st, 2018.

16 Q. When you started in April of 2018, what was  
17 your compensation?

18 A. My compensation. I'm not sure of the exact  
19 amount, but I know my salary is somewhere around 46,000  
20 a year.

21 Q. And that is your current salary, right?

22 A. Yes.

23 Q. Okay.

24 MR. CAMMACK: I hate to cut it off. I  
25 think someone is here to pick up my Jeep real quick.

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1 MR. GARZA: Let's go off the record.

2 (At 10:09 a.m. the proceedings recessed,  
3 continuing at 10:12 a.m.)

4 Q. (BY MR. GARZA) So your compensation at this  
5 time is \$46,000 per year; is that right?

6 A. Around about that amount. I don't know the  
7 exact amount.

8 Q. Okay. And so are you paid biweekly or  
9 semimonthly?

10 A. I'm paid on the 15th and the last day of the  
11 month.

12 Q. Okay. So then your compensation per period  
13 then is right about \$1,900; is that right?

14 A. Somewhere --

15 Q. Okay.

16 A. -- around there.

17 Q. All right. So just using the round numbers  
18 then, the \$46,000 divided by 24, is about \$1,916. So  
19 that's an approximate number, right?

20 A. Correct.

21 Q. Okay. You said you oversee a care specialist.  
22 What do those specialists do?

23 A. They provide case -- or care coordination  
24 services to seniors.

25 Q. And the care coordination services, what do you



1 mean by that?

2 A. They provide different services. Those  
3 services can range anywhere from income support, which  
4 is financial-related. So if a senior calls in and they  
5 need assistance with paying their electric bill, that  
6 care specialist would assist that senior through  
7 financial means.

8 And they -- also, if they are -- if they  
9 need to be navigated to various resources, they provide  
10 guidance.

11 Q. Even home health type of help or assistance?

12 A. We have vendors that we contract with. So not  
13 directly.

14 Q. And so who are the vendors -- well, let me ask  
15 this: Is the medical team one of the vendors you  
16 contract with?

17 A. Yes.

18 Q. And is the medical team -- how are these  
19 assignments done? Are they done on a rotating basis or  
20 does a care specialist have his or her favorites?

21 A. They're rotated.

22 Q. Okay. So then -- and the rotation is done in  
23 what way? Is there a system or a process to ensure  
24 proper rotation of those vendors?

25 A. I wouldn't really have any knowledge of that

1 because I don't deal with vendor contracts, per se.

2 Q. So how do you know that the care specialists  
3 are referring cases to the appropriate vendor?

4 A. We do have a vendor list.

5 Q. Okay. And so that's what I'm trying to ask.  
6 I'm trying to ask if it's on a rotating basis so that  
7 each specialist is responsible for rotating on his or  
8 her own?

9 A. You mean the different vendors?

10 Q. Yes.

11 A. It depends.

12 Q. On what?

13 A. On -- it depends. If the vendor is reliable,  
14 the care specialist will use a particular vendor. But  
15 we're supposed to use the vendors and rotation from  
16 feedback that I've received, but some of the vendors we  
17 have aren't necessarily following contract agreements.  
18 So the care specialist does have the choice to choose  
19 the vendor they deem most appropriate.

20 Q. Have you in any way effected any referrals to  
21 The Medical Team from your -- from your employer?

22 A. No.

23 Q. All right. Have you told any of these care  
24 specialists to not make referrals to The Medical Team?

25 A. No.

1 Q. Do you know whether or not any of these care  
2 specialists have, in fact, made referrals to The Medical  
3 Team?

4 A. Yes.

5 Q. Who are those care specialists that you know  
6 have made referrals to The Medical Team since April of  
7 2018?

8 A. You want me to name someone specifically?

9 Q. Yes, ma'am.

10 A. I can't give you names specifically. I've  
11 heard care specialists talk about The Med Team,  
12 referring cases to The Med Team.

13 Q. And who are those individuals that you recall  
14 hearing discussing referring cases to The Med Team?

15 A. You want names specifically?

16 Q. Yes, ma'am.

17 A. Belinda Murguia.

18 Q. Anyone else?

19 A. I can't say anyone else.

20 Q. Is it because you can't remember those  
21 individuals or -- I'll ask the question: Why can you  
22 not name the others?

23 A. I have -- she's the only person who I can  
24 recall have made reference to the fact that she's  
25 referred cases to The Med Team.

1 Q. Okay. So she's the only one that you recall  
2 making the referrals or talk about making referrals?

3 A. She's the only one that I've heard talk about  
4 making referrals.

5 Q. Okay. What benefits do you receive as a result  
6 of your employment with AAA?

7 A. I have free benefits for myself.

8 Q. What benefits are they? Health?

9 A. Health care, vision, dental,  
10 long-term/short-term disability. And I can't remember  
11 if there's any others, but those are the ones that stand  
12 out.

13 Q. Okay. And that's all provided to you by your  
14 employer?

15 A. Yes.

16 Q. Do you pay any premium or any portion of a  
17 premium for these -- any of these benefits?

18 A. When you say premium, what do you mean?

19 Q. Do you pay health insurance premium? Is there  
20 a copay, some amount that you pay taken out of your  
21 paycheck to pay for health insurance or vision insurance  
22 or dental insurance?

23 A. Currently, no.

24 Q. Do you also have any dependent insurance or any  
25 dependents on your health insurance through your

1 employer?

2 A. No.

3 Q. Are you married?

4 A. No.

5 Q. What is your residence address? Are you still  
6 living on -- is it Ridge Path in New Braunfels, Texas?

7 A. No.

8 Q. Okay. What is your current residence address?

9 A. Do I have to give that information?

10 Q. Well, I'm asking the question.

11 A. My address is 1355 Ranch Parkway, New  
12 Braunfels, Texas 78130.

13 Q. And do you -- is that an -- is that a house or  
14 an apartment?

15 A. That is an apartment.

16 Q. Okay. And are you living in that apartment by  
17 yourself, or do you live with someone else?

18 A. I have a child.

19 Q. All right. And how old is your child?

20 A. Seventeen.

21 Q. And what is his or her name?

22 A. Tioni.

23 Q. T-I-A-N-I?

24 A. T-I-O-N-I I-Y-A-N-A Benjamin.

25 Q. And she's attending school, I take it?

1 A. Yes.

2 Q. Do you have any other children living with you  
3 at the -- at your apartment?

4 A. No.

5 Q. Your employment at AAA, is that in good  
6 standing right now? Are you under some of a performance  
7 improvement plan, or is your job in jeopardy in any way?

8 A. I'm not under a performance improvement plan,  
9 but I was recently informed by the director that there  
10 may be some changes.

11 Q. Who is the director?

12 A. Gloria Vasquez.

13 Q. What changes did she explain could occur?

14 A. There could be the possibility of may --  
15 possibly a position being eliminated because she  
16 expressed not understanding why there are two positions.

17 Q. And two positions, one being yours?

18 A. One being mine, and then there's another  
19 coordinator who is specifically over caregiver.

20 Q. So there's a caregiver coordinator and a care  
21 services coordinator; is that right?

22 A. I'm not sure what her title is exactly. I  
23 don't know if it's the exact same title as my position.

24 Q. And who is that other person who is in a  
25 similar position to you that --

1 A. Diane Teran.

2 Q. Do you know how long Diane has been with AAA?

3 A. No.

4 Q. Have you received any evaluations during your  
5 employment with AAA?

6 A. No.

7 Q. Have you received any notification from any of  
8 your managers or any other management of AAA that you  
9 are not performing up to their expected standards?

10 A. No.

11 Q. Have you received any notification from AAA  
12 that your performance needs to improve in any way?

13 A. No.

14 Q. So prior to April the 1st of 2018, what other  
15 companies did you work for?

16 A. Interim Health Care.

17 Q. And what's the dates of your employment with  
18 Interim?

19 A. I don't remember.

20 (Exhibit 2 marked.)

21 Q. (BY MR. GARZA) I'm going to hand to you what's  
22 been marked as Deposition Exhibit No. 2. I'll get to  
23 Exhibit 1 later. And this is a document that you  
24 produced in response to discovery. This is your notice  
25 of separation from Interim Health Care. Is that right?

1 A. Yes.

2 Q. And this is your signature on the bottom left?

3 A. Yes.

4 Q. And that was dated November 13, 2017, correct?

5 A. Correct.

6 Q. And it states here that you were initially  
7 hired by Interim in July of 2017 and you were terminated  
8 effective November 13 of 2017. Is that right?

9 A. Correct.

10 Q. So you were employed with Interim Health Care  
11 approximately four months, right?

12 A. Yes.

13 Q. And what was your -- you were a CSR scheduler.  
14 What is --

15 A. Yes.

16 Q. What does CSR mean?

17 A. If I remember correctly, customer service  
18 representative.

19 Q. Who is your -- who is your supervisor? The  
20 signature is down on the bottom left, I think, on  
21 Exhibit 2.

22 A. I believe this is the signature of the regional  
23 manager, but I can't read that.

24 Q. Okay. Can you recall the name of your  
25 immediate supervisor when you worked with Interim Health



1 Care?

2 A. I don't remember her name.

3 Q. How much were you earning with Interim Health  
4 Care?

5 A. I don't remember the exact amount.

6 Q. Did you have any benefits through your  
7 employment with Interim Health Care?

8 A. Yes.

9 Q. And what were those benefits?

10 A. Medical. I don't know if I had dental or  
11 vision because I had the benefits for maybe a month. So  
12 I really don't remember everything.

13 Q. Okay. So when you were notified of your  
14 termination from employment with Interim Health Care,  
15 who was it who notified you about that termination?

16 A. The person -- the regional director.

17 Q. Was there -- this document, Exhibit 2, was also  
18 signed by Mary Pierce. Do you see that?

19 A. Uh-huh. Yes.

20 Q. Was she present at the time that you were  
21 notified of the termination from employment?

22 A. No. It was just one person, and that was the  
23 regional person, who was an R.N. So . . .

24 Q. And what was the explanation of that individual  
25 as to your termination from employment?

1 A. They made changes to the way the scheduling was  
2 being done. It was going to be done in San Antonio.

3 Q. All right. And between the time that you were  
4 terminated from Interim Health Care until the time you  
5 began working for AAA in April of 2018, did you receive  
6 unemployment compensation?

7 A. Yes.

8 (Exhibit 1 marked.)

9 Q. (BY MR. GARZA) I'm going to hand to you what's  
10 been marked as Deposition Exhibit No. 1. And these are  
11 documents clearly that you have produced. Take a look  
12 at those and see if you recognize those documents.

13 A. Yes.

14 Q. Okay. If you will look at the third page of  
15 Exhibit No. 1, which is marked Richardson Number 5. Do  
16 you see that? The amount that's stated there is \$11,377  
17 that you received from the Texas Workforce Commission  
18 for unemployment compensation during 2017. Is that  
19 right?

20 A. Yes.

21 Q. Okay. Do you recall how much unemployment  
22 compensation you received in 2018?

23 A. No.

24 Q. Do you remember how much you were earning --  
25 receiving from the Texas Workforce Commission on a

1 weekly basis in 2018?

2 A. No. I don't remember.

3 Q. If you would look at the first page of  
4 Exhibit 1, and it's marked -- it's kind of hard to  
5 see -- but Richardson 01. Do you see that?

6 A. Yes.

7 Q. Okay. It lists Bayou Home Care, LP as the  
8 entity out of Lubbock. Who is that?

9 A. That would be Interim Health Care.

10 Q. Okay. All right. So with Interim Health Care  
11 you earned a total of \$13,317 in 2017; correct?

12 A. Correct.

13 Q. And since your termination from employment with  
14 The Medical Team through the time you became employed  
15 with Interim Health Care, did you work for any other  
16 entities?

17 A. Yes.

18 Q. What other entity was that?

19 A. Home Instead.

20 Q. And is that reflected as Richardson 03, which  
21 is part of Exhibit 1?

22 A. Yes.

23 Q. Okay. So --

24 A. Wait a minute. I'm sorry. You said Exhibit 1?

25 Q. That's what this is, Exhibit 1. See the

1 exhibit sticker right there?

2 A. Yes.

3 Q. So then it would be the second page of that  
4 exhibit which is marked Richardson 03.

5 A. Yes.

6 Q. Okay. So then additionally you earned \$2,375  
7 working for Hill Country Senior Services, L.L.C.?

8 A. Yes.

9 Q. And does that company, to your knowledge, go by  
10 another name other than Hill Country Services -- Senior  
11 Services, L.L.C.?

12 A. Home Instead, I believe. Home Instead.

13 Q. And your employment with Hill Country Senior  
14 Services, L.L.C., when did that start and when did that  
15 end?

16 A. I don't remember the exact dates, but it was  
17 shortly after I was terminated from The Med Team.

18 Q. About how long of a period did you work for  
19 Hill Country Senior Services, L.L.C.?

20 A. I don't recall the exact time, but it was  
21 brief.

22 Q. Was it more than a month?

23 A. Maybe, but I don't remember exactly.

24 Q. Okay. When you were employed with Hill Country  
25 Senior Services, did you have any benefits available to

1 you?

2 A. No.

3 Q. Who was your supervisor at Hill Country?

4 A. I don't remember her name.

5 Q. Were you -- did you resign from your  
6 employment?

7 A. No.

8 Q. Were you involuntarily terminated?

9 A. Yes, I was terminated.

10 Q. All right. And what was the reason for your  
11 termination?

12 A. I don't remember.

13 Q. Were you -- were you given an explanation of  
14 the reason for your termination?

15 A. I don't remember.

16 Q. Were you terminated for misconduct?

17 A. I don't remember.

18 Do you have a document?

19 Q. No, ma'am, I don't. That's why I'm asking.

20 A. I don't recall.

21 Q. The person who notified you of your termination  
22 from Hill Country, was that a man or woman?

23 A. A woman.

24 Q. Was it a management employee of Hill Country?

25 A. Yes.

1 Q. Do you recall who your immediate supervisor was  
2 at Hill Country?

3 A. A woman, but I don't remember her name.

4 Q. And what was your position for Hill Country?

5 A. I don't remember.

6 Q. You don't remember what you did for Hill  
7 Country?

8 A. You asked do I remember the position, correct?

9 Q. Well, let -- yes. What was the position  
10 called?

11 A. I don't remember. I don't remember.

12 Q. What did you do on a day-to-day basis for Hill  
13 Country?

14 A. I really didn't do much of anything because I  
15 was in a training period, so working on the computer a  
16 lot. I do recall going out to visit a few clients.

17 Q. And what kind of clients were those?

18 A. Can you be more specific?

19 Q. Sure. This is -- the entity is called Hill  
20 Country Senior Services, correct?

21 A. Yes.

22 Q. What services were they providing to the  
23 clients?

24 A. I believe provider assistance services and  
25 homemaker, I believe.

1 Q. Okay. But what is a provider assistance  
2 service? What do you mean by that?

3 A. A person who goes into the home and provide  
4 care to clients.

5 Q. And so as part of your job, was that what you  
6 were supposed to do is to go out and visit with those  
7 clients?

8 A. You mean to provide personal assistance  
9 services?

10 Q. No. To visit with clients about the potential  
11 of providing assistant services or homemakers to that  
12 client.

13 A. Yes. I believe so.

14 Q. All right. So you said you were in training  
15 for that month. What kind of training were you doing?

16 A. Most of it was computer training.

17 Q. Relating to what?

18 A. Related to company policies and procedures.

19 Q. Anything else other than?

20 A. I did go out with the manager on a few  
21 occasions.

22 Q. All right. And so what -- what did the manager  
23 train you to do?

24 A. Assessing, from what I remember, assessing the  
25 client's needs.

1 Q. Okay. And assessing the client's needs from  
2 what perspective? From a medical perspective or from --

3 A. Nonmedical.

4 Q. Okay. And that's your background, though,  
5 right? You're a nurse?

6 A. No.

7 Q. Okay. What is your background then, what -- do  
8 you have any degrees or any certifications?

9 A. I do have degrees --

10 Q. What are those?

11 A. -- and certifications. My undergraduate degree  
12 is a bachelor's of science in business. And I also have  
13 an MBA.

14 Q. And the bachelor's of science and business was  
15 from which school?

16 A. DeVry University.

17 Q. And your master's is from which school?

18 A. DeVry Keller Graduate School of Management.

19 Q. And when did you receive those degrees?

20 A. The bachelor's degree I received in 2007. And  
21 the MBA is 2014.

22 Q. So between the time that you were terminated  
23 from employment with The Medical Team to now, did you  
24 work for any other entities other than those entities  
25 that you've already testified about?



1 A. I did start a business of my own. And I think  
2 I recall signing up for a representative through Legal  
3 Shield.

4 Q. You said you signed up for a representative  
5 through Legal Shield?

6 A. As a representative of Legal Shield.

7 Q. What is Legal Shield?

8 A. They offer legal benefits.

9 Q. All right. And would you be selling those --  
10 that -- is it insurance?

11 A. Yes.

12 Q. Legal insurance, okay.

13 A. Yes. Legal insurance.

14 Q. All right. And as far as the selling of legal  
15 insurance, what was the name of the entity that you  
16 actually -- did you do any work for an entity?

17 A. Not work where I was paid. Because I was not  
18 successful. So I didn't never received any payment.

19 Q. All right. And so what did you do for Legal  
20 Shield?

21 A. Trainings to learn the program mostly.

22 Q. When did you go through the training?

23 A. I don't remember.

24 Q. Was it in 2017 or 2018?

25 A. I don't remember. I do know it was not in

1 2018.

2 Q. Okay. Was it before or after you started work  
3 for Interim?

4 A. I don't remember.

5 Q. How long a training was it?

6 A. I don't remember.

7 Q. Where was the training?

8 A. Online.

9 Q. Did you have any sort of password access to the  
10 training?

11 A. Yes.

12 Q. And how did you obtain -- well, first of all,  
13 what did you do to sign up for -- for Legal Shield?

14 A. Can you be more specific?

15 Q. Sure. Who did you contact to sign up for Legal  
16 Shield?

17 A. I didn't -- I probably -- I don't remember, but  
18 probably it was something I found online.

19 Q. Did you ever talk to an individual or a person  
20 about Legal Shield and -- well, let's just leave it at  
21 that.

22 A. Can you repeat the question?

23 Q. Sure. Did you ever talk to a representative of  
24 Legal Shield?

25 A. Yes.

1 Q. And who was that?

2 A. I don't remember.

3 Q. How many times did you speak with a  
4 representative of Legal Shield?

5 A. A few occasions, but I don't remember the exact  
6 number.

7 Q. And as far as your communications with Legal  
8 Shield's representatives, did they provide you  
9 information for the purpose of you performing work for  
10 Legal Shield?

11 A. Can you repeat the question?

12 Q. Sure. In your communications with  
13 representatives of Legal Shield, did they provide you  
14 information for the purpose of you working for Legal  
15 Shield?

16 A. Information? Can you be more specific?

17 Q. Any information.

18 A. They did tell me about the program, how it  
19 works, about the insurance.

20 Q. Okay. Tell me about what they said, what they  
21 explained.

22 A. I don't remember.

23 Q. Well, what do you understand the insurance to  
24 be?

25 A. From what I remember, because I do recall

1 having the insurance myself so I'm basing it off of my  
2 experience having that insurance, they provide legal  
3 services. So if you need a lawyer for various  
4 situations, they can assist you. If you need credit  
5 protection, they can help resolve issues like that. So  
6 that's the -- as much as I remember.

7 Q. Okay. Did you ever make any sales calls for  
8 Legal Shield?

9 A. When you say sales calls, what do you mean?

10 Q. Did you ever try to sell Legal Shield insurance  
11 to any other person?

12 A. Yes.

13 Q. All right.

14 A. But not through a call.

15 Q. Well, okay. Not through a call. It was  
16 face-to-face?

17 A. Yes.

18 Q. All right. Did you ever sell Legal Shield  
19 insurance, actually complete a sale?

20 A. No. Not that I can recall.

21 Q. Did you keep a log of the sales calls that you  
22 made or the sales pitches, if you will, that you made?

23 A. No.

24 Q. And so you never were paid by Legal Shield for  
25 any sales?

1 A. Not that I recall.

2 Q. Okay. So what was the percentage or what was  
3 the method of calculating any pay that you would receive  
4 in the event you had made sales?

5 A. Can you repeat that?

6 Q. Sure. What was the method of calculating your  
7 compensation in the event you had made sales for Legal  
8 Shield?

9 A. I don't remember.

10 Q. Was it a commission basis?

11 A. Yes. I believe it was commission base.

12 Q. What was the percentage of the commission?

13 A. I have no clue.

14 Q. Was it a percentage that is less than 5 percent  
15 of the sale?

16 A. I have no clue.

17 Q. Do you have any documentation relating to the  
18 Legal Shield insurance and/or program that you were  
19 trying to sell?

20 A. No.

21 Q. Did you dispose of the documentation?

22 A. Yes.

23 Q. When did you dispose of the documentation?

24 A. I have no clue.

25 Q. Was it in 2018 or 2017?

1 A. I don't know. I don't remember.

2 Q. Where is Legal Shield located?

3 A. I have -- I don't know.

4 Q. What website did you see it on?

5 A. I don't remember the exact website.

6 Q. Okay. What -- do you remember anything about  
7 the Legal Shield website?

8 A. No.

9 Q. When is the last time you accessed the Legal  
10 Shield website?

11 A. I don't remember.

12 (Exhibit 3 marked.)

13 Q. (BY MR. GARZA) I've handed you what has been  
14 marked as Deposition Exhibit No. 3. Do you see that in  
15 front of you?

16 A. Yes.

17 Q. All right. This is documentation that  
18 you've -- you have produced, and it's related to  
19 something called Weekend Fun, L.L.C. Do you see that?

20 A. Yes.

21 Q. Did you -- what business was this?

22 A. An online retail business.

23 Q. What did you sell through this business?

24 A. It was fun items. I can't remember the items  
25 specifically, but items related to the name.

1 Q. What was the -- the website that you used to  
2 sell?

3 A. If I remember correctly, I think it was  
4 Weekendfun.com.

5 Q. And it's spelled just like it is,  
6 W-E-E-K-E-N-D-F-U-N.com?

7 A. I believe so.

8 Q. Do you still own that domain name?

9 A. No.

10 Q. Did you sell it?

11 A. No.

12 Q. And so if -- well, can it be accessed at this  
13 time?

14 A. Not that I'm aware of.

15 Q. When was the last time you accessed that  
16 website?

17 A. I don't remember.

18 Q. Was it in 2018 or 2017?

19 A. I don't remember.

20 Q. Is Weekend Fun, L.L.C. still in existence?

21 A. No.

22 Q. Did you dissolve it or shut it down in some  
23 way?

24 A. I just -- I just -- when you say did I shut it  
25 down in some way, what do you mean?

1 Q. Well, did you report to the -- to the Secretary  
2 of State, the Texas Secretary of State, that Weekend  
3 Fun, L.L.C. was no longer in existence?

4 A. I don't remember.

5 Q. Did you set up this business yourself?

6 A. No.

7 Q. Who helped you with that?

8 A. A coach.

9 Q. And who was the coach?

10 A. I don't remember her name.

11 Q. Take a look at page 14 and 15 of Exhibit 3.  
12 And there's something called Lady Boss Moves, and it's  
13 an invoice.

14 A. Are the pages numbered or . . .

15 Q. Yes, ma'am. Bottom right.

16 A. Oh, yes, they are. I see.

17 Q. 14, 15.

18 A. Okay.

19 Q. And is -- there's a name listed up here at the  
20 top left, Sharonn Cole. Do you see that?

21 A. Yes.

22 Q. Is that the coach who helped you set up the  
23 L.L.C.?

24 A. Yes.

25 Q. All right. What kind of coaching did Miss Cole



1 provide to you for establishing this business?

2 A. From what I recall, the training involved  
3 expertise on how to set up a website. I can't remember  
4 everything. There was some positive coaching, some  
5 self-evaluation that I recall. And there were other  
6 things she did, like set up a package that included a  
7 logo and some other things.

8 Q. Okay. And she did all of that for you; is that  
9 right?

10 A. I wouldn't say she did it. There were certain  
11 things that she did, like the package, setting up the  
12 logo. But basically, some of the functions of setting  
13 up a business, she guided me through like step-by-step  
14 how to do certain things.

15 Q. And so this invoice that is page 14 of  
16 Exhibit 3, is dated May the 4th, 2017, correct?

17 A. Yes.

18 Q. And so did Miss Cole provide you any services  
19 prior to that date?

20 A. What do you mean?

21 Q. Well, did she -- did she help you in any way?  
22 Did she do anything related to giving you coaching or  
23 giving you advice before May the 4th of 2017?

24 A. Not that I can -- not that I can remember.

25 Q. All right. And so did she provide any

1 documentation to you as part of this coaching or part of  
2 this program she was providing?

3 A. A contract, I believe.

4 Q. What else did she provide you that was paper or  
5 electronically sent?

6 A. Nothing that I recall.

7 Q. Do you have access to any information or  
8 product that -- that Miss Cole may have provided to you  
9 as part of this coaching program?

10 A. No.

11 Q. Do you have any documentation relating to the  
12 coaching that was done or provided to you by Miss Cole?

13 A. No.

14 Q. Had you known Miss Cole before -- before  
15 meeting her through this coaching program?

16 A. When you say "know her," what do you mean?

17 Q. Did you -- had you ever met her, did you --  
18 even as an acquaintance, anything like that?

19 A. No.

20 Q. All right. And you paid her \$5,000; is that  
21 right?

22 A. Yes.

23 Q. And that \$5,000 was taken from your -- from  
24 your own savings; is that right?

25 A. No.

1 Q. Who paid that \$5,000?

2 A. I used a PayPal account.

3 Q. All right. So was it your own money or did you  
4 borrow the money?

5 A. When you say my own money, what do you mean?

6 Q. Well, did it come from you or did it come from  
7 someone else to pay this \$5,000?

8 A. It was a PayPal account in my name.

9 Q. Okay. So you had a PayPal account. And I  
10 understand that that was the method by which you paid  
11 her.

12 A. Uh-huh.

13 Q. Is that right?

14 A. Yes.

15 Q. And as far as the PayPal account, did you -- is  
16 that -- was that tied to a bank account or was it tied  
17 to a credit card? What was the -- what was the -- the  
18 source of the funds, in other words?

19 A. Well, I don't have a physical credit card from  
20 PayPal, so --

21 Q. I understand.

22 A. -- I can only assume that it was -- it was tied  
23 to a bank account.

24 Q. Was it your bank account?

25 A. Not with my name on it.

1 Q. Okay. Who -- I'm trying to figure out who paid  
2 the \$5,000. That's really what it comes down to.

3 A. It was a PayPal account that I applied for, and  
4 that's how it was paid.

5 Q. All right. Did you then pay back PayPal?

6 A. No.

7 Q. Okay. I'm just not understanding how -- how  
8 the \$5,000 was paid and who it was paid by. You said  
9 you applied for a PayPal account. What did you mean by  
10 that?

11 A. Like a regular credit account.

12 Q. Okay.

13 A. So if I applied for a MasterCard, I mean, that  
14 MasterCard is attached to a bank with my name on it.  
15 And that credit card was -- or that credit account, it  
16 was the same way.

17 Q. Okay. So let me see if I'm understanding what  
18 you're saying because I've never heard of a PayPal  
19 account like that. You applied to establish a PayPal  
20 account which would provide you credit?

21 A. Correct.

22 Q. And you applied for -- you applied for that  
23 account and you were granted that account for at least  
24 \$5,000; right?

25 A. Correct.

1 Q. And from that account, that's how you paid  
2 Miss Cole at Lady Boss Moves; is that right?

3 A. Correct.

4 Q. Okay. And so with that account that you  
5 created that PayPal had, had you paid PayPal back?

6 A. No.

7 Q. Is that amount still outstanding?

8 A. Yes.

9 Q. If you would look at page 37 of Exhibit 3.  
10 This is activity between October 1, 2017 and  
11 October 31, 2017. Is that right?

12 A. I'm sorry. Can you repeat that?

13 Q. Sure. On page 37 of Exhibit 3, it reflects  
14 activity in your Wells Fargo account between October 1,  
15 2017 and October 31, 2017; is that correct?

16 A. Correct.

17 Q. And since October 31 of 2017, has there been  
18 any other activity in this particular Wells Fargo  
19 account?

20 A. I'm sorry. Can you please repeat the question?

21 Q. Sure. Since October 31, 2017, have there --  
22 has there been any other activity in this particular  
23 Wells Fargo account?

24 A. Not that I can recall.

25 Q. Have you continued to receive statements from

1 Wells Fargo regarding this particular account?

2 A. No.

3 Q. Is the ending balance that's reflected on  
4 page 37 of Exhibit 3, do you see that the ending balance  
5 is \$321.27?

6 A. On what page? I'm sorry.

7 Q. That same page you're on.

8 A. That same page?

9 Q. Yes, ma'am.

10 A. Okay.

11 Q. Do you see there's an ending balance of  
12 \$321.27?

13 A. Okay.

14 Q. Is that amount still in this account?

15 A. No.

16 Q. Have you closed this particular account?

17 A. Yes.

18 Q. When did you close this account?

19 A. I don't remember.

20 Q. Was it in 2017 or 2018?

21 A. I know it wasn't 2018.

22 Q. Has anyone else taken over the Weekend Fun,  
23 L.L.C. entity?

24 A. No.

25 Q. Did you transfer it to anyone in any way?

1 A. No.

2 Q. Is your -- is your child involved in the L.L.C.  
3 in any way?

4 A. No.

5 (Exhibit 4 marked.)

6 MR. CAMMACK: Are these all Exhibit 4?

7 MR. GARZA: We're going to combine these,  
8 yes.

9 MR. CAMMACK: Okay. To Exhibit 4.

10 Q. (BY MR. GARZA) I'm going to hand you what's  
11 been marked as Exhibit 4 and ask you to keep those two  
12 together, if you don't mind, please.

13 Is this your handwriting on Exhibit 4?

14 A. Yes.

15 Q. And this is a work search log that you kept for  
16 the Texas Workforce Commission, correct?

17 A. Yes.

18 Q. Did you received any offers of employment from  
19 any entity in Exhibit 4, other than Interim Health  
20 Care -- well, other than the entities that you've worked  
21 for since your termination from employment with The  
22 Medical Team?

23 A. No. Not that I recall.

24 Q. So let's talk about your employment with The  
25 Medical Team. When did you first become employed with

1 The Medical Team?

2 A. It was March of 2015.

3 Q. And what position were you hired into?

4 A. Provider assistance supervisor.

5 Q. Who was your immediate supervisor?

6 A. Eileen McClary.

7 Q. And who notified you that you had been hired  
8 into that position?

9 A. Who notified me?

10 Q. Yes, ma'am.

11 A. I don't remember who exactly.

12 Q. When did you first, learn that Miss McClary was  
13 going to be your supervisor?

14 A. I had a meeting with her and Freddie Waters.

15 Q. You were a PAS supervisor for approximately  
16 three months?

17 A. Yes.

18 Q. And from that position, you were promoted;  
19 isn't that right?

20 A. Yes.

21 Q. And you were promoted to the branch manager of  
22 the New Braunfels, Texas location; is that right?

23 A. Yes.

24 Q. Who notified you of your promotion?

25 A. Eileen McClary and Freddie Waters.



1 Q. Do you know who was involved in the decision to  
2 promote you to the branch manager position?

3 A. As far as I know, Eileen McClary and Freddie  
4 Waters.

5 Q. There could have been others; is that right?

6 A. I don't know.

7 Q. Well, it's possible, right?

8 MR. CAMMACK: Objection, form.  
9 Speculation.

10 Q. (BY MR. GARZA) Do you know whether or not  
11 anyone was involved in the decision to promote you?

12 A. I have no knowledge of that.

13 Q. Okay. And as branch manager, you were in  
14 charge of the New Braunfels location operation. Isn't  
15 that right?

16 A. Yes.

17 Q. And you actually received a -- a job  
18 description, correct?

19 A. Yes.

20 MR. CAMMACK: Do you mind if we take a  
21 quick break?

22 MR. GARZA: Sure. That's fine.

23 (At 11:06 a.m. the proceedings, recessed,  
24 continuing at 11:17 a.m.)

25 (Exhibit 5 marked.)

1 Q. (BY MR. GARZA) I'm going to hand to you what's  
2 been marked as Deposition Exhibit No. 5 and ask if  
3 you've seen that document before. That page, I should  
4 say.

5 A. What was your question?

6 Q. Have you seen this document before?

7 A. I don't recall, but it is in front of me and  
8 that is my handwriting.

9 Q. And do you recall filling out a form like this  
10 at the time that you became employed with The Medical  
11 Team?

12 A. I don't recall.

13 (Exhibit 6 marked.)

14 Q. (BY MR. GARZA) I'm handing to you what's been  
15 marked as Deposition Exhibit No. 6. Is that your  
16 signature on that Exhibit 6?

17 A. Yes.

18 Q. And that is dated March 30 of 2015; is that  
19 right?

20 A. Yes.

21 Q. And that is your acknowledgment that you  
22 received and understood the information in the employee  
23 handbook, correct?

24 A. I would like to review the form, if you don't  
25 mind.

1 Q. I don't mind at all.

2 A. And what was your question?

3 Q. This is your acknowledgment that you received a  
4 copy of the employee handbook. Isn't that right?

5 A. Yes. This is my signature.

6 Q. And this is your acknowledgment that you  
7 understood the information contained in the employee  
8 handbook; is that right?

9 A. I signed it, so yes.

10 Q. This is your acknowledgment that you became  
11 familiar with the contents of the personnel policy and  
12 practice manual; is that right?

13 A. According to the document, yes.

14 Q. And this is your agreement to observe and  
15 follow the policies and procedures of The Medical Team.  
16 Isn't that right?

17 A. According to this document, yes.

18 Q. You were a manager for The Medical Team. Isn't  
19 that right?

20 A. Yes.

21 Q. You, as part of your responsibility, was to  
22 know and understand the policies and procedures of The  
23 Medical Team as they're applied to employment; isn't  
24 that right?

25 A. According to this document, yes.

1 Q. Well, what about in practice, were you supposed  
2 to understand and know the employment rules and  
3 regulations so that you could then apply them to your  
4 subordinates?

5 A. Can you give me something specific or repeat  
6 the question to help me understand it?

7 Q. Let me repeat the question.

8 You were responsible -- am I correct in  
9 saying that you were responsible to make sure that your  
10 subordinates adhered to the policies and procedures of  
11 The Medical Team? Isn't that right?

12 A. Can you rephrase the question?

13 Q. Did you supervise subordinates for The Medical  
14 Team?

15 A. Yes.

16 Q. Did you require that those subordinates comply  
17 with the employment policies and procedures of The  
18 Medical Team?

19 A. There were several policies and procedures.  
20 Can you give me something specific?

21 Q. What about the administrative employee  
22 handbook, do you recall what that is?

23 A. By name.

24 Q. Okay. And it is pertaining to employees; isn't  
25 that right? It pertains to employees as to what the

1 employees are to comply with?

2 A. Do you have the policy and procedure?

3 Q. No. I don't have it with me.

4 Do you have an answer to my question?

5 A. I really don't understand your question. So  
6 can you give me a specific policy from that handbook?

7 Q. Do you remember whether or not there was a  
8 handbook for The Medical Team that pertained to, let's  
9 just say an open door policy? Do you remember that  
10 policy?

11 A. I remember that policy, yes.

12 Q. Okay. Do you -- are you aware that that policy  
13 applied to all employees of The Medical Team?

14 A. I haven't seen that policy in a very long time,  
15 so do you have the open door policy?

16 Q. Yeah. I'll show it to you here in a minute,  
17 except that I want to find out what you remember about  
18 the policies and procedures. So what do you remember --  
19 well, who was supposed to comply with the administrative  
20 employee handbook?

21 A. I would have to say anyone who read the policy  
22 and signed the policy.

23 Q. Okay. And you as a supervisor, you were  
24 supposed to ensure that those employees were complying  
25 with that handbook. Isn't that right?

1 A. But, like, what policies specifically?

2 Q. Did you understand my question?

3 A. If you could repeat the question.

4 MR. CAMMACK: Would you please read it  
5 back?

6 (Requested testimony read back by the  
7 court reporter.)

8 A. I don't recall every policy in the handbook.  
9 That's why it makes it hard to answer your question. So  
10 if you can relate to a specific policy? If you can give  
11 me something one of the employees signed?

12 Q. Look at Deposition Exhibit No. 6.

13 A. Uh-huh.

14 Q. Do you have it in front of you?

15 A. Yes.

16 Q. The first paragraph under the major heading,  
17 Employee's Acknowledgment, do you see that?

18 A. Yes.

19 Q. That is your representation that you would  
20 comply with the policies. Isn't that right?

21 A. But this says me, so yes.

22 Q. That's my question. That is my question. You  
23 said you would comply with the policies; isn't that  
24 right?

25 A. Yes.

1 Q. Okay. If another employee says that -- signed  
2 this same type of document stating they would comply  
3 with the policies, they were held accountable to comply  
4 with the policies, right?

5 A. If they assigned the policy, I would have to  
6 say yes. But many of those employees were there before  
7 I was employed.

8 Q. Okay. And you were responsible to discipline  
9 people who did not comply with the policies. Isn't that  
10 right?

11 A. Can you give me something more specific?

12 Q. Let's just say somebody was absent too many  
13 times. Your responsibility was to discipline that  
14 employee. Isn't that right?

15 A. Based on what the handbook says.

16 Q. Right. And so knowing that was your  
17 responsibility, you were obligated as a management  
18 employee of The Medical Team to fully understand the  
19 policies and procedures, right?

20 A. Can you repeat the question?

21 MR. GARZA: Please read it back.

22 (Requested testimony read back by the  
23 court reporter.)

24 A. And you're relating this to attendance policy?

25 Q. (BY MR. GARZA) As an example, yes.

1 A. I would have to see the policy based on that,  
2 because I don't remember.

3 Q. Was it your job to make sure that people were  
4 abiding by the policies and procedures of The Medical  
5 Team?

6 A. According to this document that I signed, this  
7 has to do with me.

8 MR. GARZA: Objection, nonresponsive.

9 Would you read back the question?

10 (Requested testimony read back by the  
11 court reporter.)

12 A. I would like to review this document again. Do  
13 you mind?

14 Q. (BY MR. GARZA) No.

15 A. You make this very difficult for me to answer  
16 your question because this document pertains to me. And  
17 it was when I started, which I wouldn't have been in the  
18 position of branch manager. And this document doesn't  
19 talk about employees I supervised.

20 (Exhibit 8 marked.)

21 Q. (BY MR. GARZA) Let me hand you what's been  
22 marked as Deposition Exhibit No. 8 then. That's the job  
23 description of the branch manager. Isn't that right?

24 A. Do you mind if I read it?

25 Q. No, ma'am. Go ahead and read it.



1 A. What's your question?

2 Q. If you would look at Med Team 14 through 16 of  
3 Exhibit 8.

4 A. I can't see the numbers.

5 Q. It's the last three pages of Exhibit 8.

6 MR. CAMMACK: Yeah. That's 14 -- yeah.

7 A. Okay.

8 Q. (BY MR. GARZA) Your signature appears on the  
9 last page of Exhibit 8, which is Med Team page 16,  
10 correct?

11 A. Correct.

12 Q. All right. Let's go to then the page right  
13 before that, which is Med Team page 15. Under number  
14 one, subpart A, you were responsible for supervising all  
15 branch office personnel. Isn't that right?

16 A. That's what this document says.

17 Q. So what -- was it your responsibility and  
18 actual practice too as a manager for Med Team?

19 A. Can you give something specific?

20 Q. Sure. Did you supervise The Med Team personnel  
21 at the New Braunfels, Texas location?

22 A. Yes, I did.

23 Q. Okay. What is that -- what did you do to  
24 supervise those individuals?

25 A. What do you mean what did I do to supervise

1 those individuals? Because I did a lot.

2 Q. Did you direct them on a day-to-day operation?

3 A. Yes. That was part of my responsibility as a  
4 manager.

5 Q. And you directed the staff management at the  
6 branch. Isn't that right?

7 A. The staff management?

8 Q. Yes.

9 A. Are you referring to --

10 Q. Let me rephrase that. You were the branch  
11 manager. Who was below you? Immediately below you, who  
12 did you supervise?

13 A. That would be the administrative staff and the  
14 personal assistance supervisors.

15 Q. Okay. And so were there any other individuals  
16 below that level, the administrative staff or the  
17 person -- or the PAS supervisor?

18 A. The field staff.

19 Q. Okay. So then you had others that you  
20 supervised; isn't that right?

21 A. I supervised administrators -- administrative  
22 assistants, I'm sorry, and the PAS supervisors who then  
23 supervised the field staff.

24 Q. But ultimately, because you're the branch  
25 manager, you supervised the entire office. Isn't that

1 right?

2 A. I supervised the administrative assistants, the  
3 PAS supervisors, the field staff, since I was over that  
4 branch. There was also a marketer there who I did not  
5 supervise.

6 Q. All right. So if those individuals that you  
7 were supervising were not doing their job, it was your  
8 responsibility to make sure that they did their job,  
9 correct?

10 A. I would say that as a manager, yes.

11 Q. Okay. And that includes following policies and  
12 procedures, right?

13 A. Yes.

14 Q. So if you were to enforce policies and,  
15 procedures, you needed to know those policies and  
16 procedures, right?

17 A. When you say "know those policies and  
18 procedures," can you give me one --

19 Q. No. My question is: You needed to understand  
20 what those policies and procedures were in order to  
21 enforce it as to other employees --

22 A. I would say yes.

23 Q. -- is that right?

24 (Exhibit 7 marked.)

25 Q. (BY MR. GARZA) Okay. I'm going to hand you

1 what's been marked as Deposition Exhibit No. 7. Excuse  
2 me. I'm sorry. Have you seen this document before?

3 A. Can I read it?

4 Q. Yes.

5 A. What is your question?

6 Q. Have you seen this document before, which is  
7 Exhibit 7?

8 A. I recall seeing this document.

9 Q. Okay. And this is the open door  
10 communications; isn't that right? That's the policy.

11 A. Correct.

12 Q. And the policy states in paragraph two of the  
13 open door communications that you could contact the  
14 appropriate manager, including the president of the  
15 company, if you felt that there was any kind of  
16 illegality or improper activity. Isn't that right?

17 A. Yes. That is what the document says.

18 Q. Okay.

19 (Exhibit 9 marked.)

20 Q. (BY MR. GARZA) I'm going to hand to you what's  
21 been marked as Deposition Exhibit No. 9 and ask, have  
22 you seen this document before?

23 A. I don't recall seeing this document.

24 (Exhibit 10 marked.)

25 Q. (BY MR. GARZA) I'm going to hand to you what's

1 been marked as Deposition Exhibit No. 10. Have you seen  
2 that document or those documents before?

3 A. The first document looks familiar.

4 Q. So it's marked Richardson 246. Isn't that  
5 right? And it says Renee's copy up at the top right?

6 A. Oh, yes.

7 Q. Whose handwriting is that?

8 A. That's my handwriting.

9 Q. And then if you look at the next page,  
10 Richardson 247, it says Ernesto's copy.

11 First of all, who is Ernesto?

12 A. He's the person I met at the EEOC.

13 Q. Okay.

14 A. And this is a document handed to me.

15 Q. And who handed this document to you?

16 A. That would be Ernesto.

17 Q. He handed the copy to you?

18 A. Yes.

19 Q. Okay. And so what's the significance of this  
20 document that -- these documents in your mind relating  
21 to your allegations that you were discriminated against  
22 or retaliated against?

23 A. These are both organizational charts.

24 Q. Okay. So in your mind, is this in any way  
25 indicative of whether or not you were discriminated

1 against or retaliated against by The Medical Team?

2 A. I believe I was -- I believe I was asked for  
3 this from the EEOC.

4 Q. Okay. So the EEOC asked you for an  
5 organization chart; is that right?

6 A. I can't say that's 100 percent correct, but I  
7 believe I was asked about, like, I guess the hierarchy.  
8 And I have -- I knew I had this. So I provided this  
9 information.

10 Q. Okay.

11 A. Up at the top, the first page.

12 (Exhibit 11 marked.)

13 Q. (BY MR. GARZA) I'm going to hand to you what's  
14 been marked as Deposition Exhibit No. 11. And these are  
15 your responses to interrogatories. I'd like to go over  
16 these interrogatory answers with you.

17 If you would look at interrogatory number  
18 two, do you see that, interrogatory number two?

19 A. Yes.

20 Q. All right. The interrogatory asks you to  
21 identify each of defendant's employees who you allege  
22 discriminated against and terminated you or your  
23 employment based on your race. And you identified Alan  
24 Garza, Sylvia Martinez, and Rebecca Marquez; is that  
25 correct?

1 A. Yes.

2 Q. And just so we clarify, if you look at the last  
3 page of Deposition Exhibit No. 11, the last page, is  
4 that your signature?

5 A. Yes.

6 Q. Do you recall signing this verification?

7 A. I don't really remember, but that is my  
8 signature.

9 Q. Okay. All right. Let's go back to  
10 interrogatory number two. You say that Alan Garza  
11 discriminated against you on the basis of your race.

12 What did he do that leads you to believe  
13 that he discriminated against you on the basis of your  
14 race?

15 A. I would have to say my employment class was  
16 changed from salary to hourly based on my conversations  
17 with Christina. That happened to no one else. No one  
18 else was impacted by that. And that is what I believe  
19 to be true.

20 Q. Okay. All right. What else? And I would  
21 like -- well, we'll go through each one of them, but  
22 provide me a list of what did Alan Garza do that you  
23 said was discriminatory on the basis of your race.  
24 You've already identified changing you from salary to  
25 hourly.

1 A. Uh-huh.

2 Q. What else?

3 A. I would say I was denied resources. Do you  
4 want me to give specifics or?

5 Q. Not yet.

6 A. Not yet. Okay.

7 Q. Okay. What else?

8 A. I was humiliated in front of employees.

9 Q. What else?

10 A. I was not involved in important meetings about  
11 the branch. There were a lot of decisions that were  
12 made by the people I mentioned, Alan Garza, Sylvia  
13 Martinez, Rebecca Marquez.

14 Q. What else?

15 A. I was made to feel as though I was incompetent.  
16 I was belittled in front of staff. When I complained  
17 about being discriminated against because of my color,  
18 my issues were not addressed. And I was terminated.

19 The day I was terminated, I was informed  
20 by Christina that, a joke was made about my hair. And  
21 I'm sure there were other things that occurred that I  
22 don't remember right off.

23 Q. (BY MR. GARZA) Okay. Is there anything else  
24 that you're saying that Mr. Garza did that causes you to  
25 believe that you were discriminated against because of



1 your race?

2 A. I'm sure there were other things, but like I  
3 said, I don't remember everything. Time has passed. A  
4 lot of things went on there, so I don't remember  
5 everything.

6 Q. Is there any documentation that you can refer  
7 to that would help you refresh your memory about those  
8 other things other than what you've already identified  
9 in testimony today?

10 A. I can't remember.

11 Q. Okay. So tell me what Sylvia Martinez did that  
12 you say was discriminatory because of your race.

13 A. It was the way she treated me, the way she  
14 talked to me.

15 Q. What was Miss Martinez's position?

16 A. I don't really remember. Maybe a supervisor --

17 Q. Okay.

18 A. -- if I remember correctly.

19 Q. So what else did she do other than what you've  
20 identified as the treatment and how she talked to you?

21 A. I don't remember. Like I said, I cannot  
22 remember everything, but it was her treatment towards  
23 me, the unfair treatment, the humiliating me, the -- by  
24 the way she spoke to me in front of other people.

25 Q. Okay. Anything else?

1 A. A lot of decisions came from her about the  
2 branch, like I said before. And again, I cannot  
3 remember every single detail.

4 Q. All right. Anything else about Miss Martinez?

5 A. Like I said, I don't remember everything.

6 Q. Okay. Tell me what you -- what Rebecca Marquez  
7 did that you say was discriminatory on the basis of your  
8 race?

9 A. I would have to say just the way she talked to  
10 me, you know, the way she treated me. I would have to  
11 say, though, that it -- it didn't -- how can I say this?  
12 I feel like she was kind of -- she was just basically  
13 following along.

14 Q. What else did she do that you say was  
15 discriminatory on the basis of your race?

16 A. Again, I do not remember everything. I would  
17 just I have to say what I said before.

18 Q. You said earlier that it was discrimination on  
19 the basis of your color. Are you limiting it only to  
20 color or to race and color?

21 A. Being black is the same as race.

22 Q. Okay. So then when you say color, I'm going to  
23 interpret that to be race discrimination or referring to  
24 race. Is that right?

25 A. Race discrimination --

1 Q. Okay.

2 A. -- based on being black.

3 Q. All right. Okay. Let's talk about Rebecca  
4 Martinez -- I'm sorry -- Rebecca Marquez first. You  
5 said that she -- you felt that she discriminated against  
6 you by the way that she treated you. Tell me what you  
7 mean by that.

8 A. Just unfair treatment. Talking to me like I'm  
9 stupid, treating me as I'm -- like I'm less than.

10 Q. How did she treat you unfairly?

11 A. There's a mutual level of respect when you  
12 interact with coworkers. And when you talk down to  
13 people, that's not respect.

14 Q. So are you then saying that she talked down to  
15 you?

16 A. She belittled me, which is to me the same as  
17 talking down to me.

18 Q. Okay. Tell me the facts on which you base the  
19 allegation that she belittled you. When did it happen,  
20 who was there, what was the circumstance relating to  
21 this alleged belittling of you by Miss Marquez?

22 A. This, I cannot remember because a lot of time  
23 has passed, but I do recall it was a meeting that we had  
24 about EVV.

25 Q. And so that the jury understands what EVV

1 means, what does that stand for?

2 A. I don't remember. I -- I think it's electronic  
3 visit verification, but I'm not 100 percent sure.

4 Q. And what -- okay. So you -- there was a  
5 meeting about EVV. Where did this meeting take place?

6 A. In my office.

7 Q. Who else was present?

8 A. Sylvia Martinez. Shayna Otting.

9 Q. Shayna who?

10 A. Otting.

11 Q. O-T-T-I-N-G?

12 A. Correct.

13 Q. Okay. Who else?

14 A. And Rebecca Marquez.

15 Q. Okay.

16 A. And myself.

17 Q. All right. So tell me what Miss Marquez did  
18 that you say belittled you in this particular meeting.

19 A. It was the tone in their voices. And  
20 basically, I don't -- like I said, I don't remember the  
21 entire conversation, but I do recall it was related to  
22 the visit clock token.

23 And they were talking to me because --  
24 we're talking about Rebecca -- regarding changes that  
25 had taken place that was never communicated to me. And

1 like I said, the information to me was new. It was  
2 information that was not communicated, but they were  
3 talking to me as though it had been communicated.

4 Q. Do you recall when this conversation took  
5 place?

6 A. I do not recall. That happened a long time  
7 ago.

8 Q. Was it in 2016 or 2017?

9 A. I don't remember.

10 Q. It was sometime when you were the branch  
11 manager, though?

12 A. Yes.

13 Q. Okay. Do you recall specifically what  
14 Miss Marquez said?

15 A. I don't.

16 Q. Do you recall specifically what Miss Martinez  
17 said during this meeting?

18 A. All I can recall is it had to do with changes  
19 that were made to EVV. What those changes were, I do  
20 not remember.

21 Q. Okay. Do you recall what Miss Shayna Otting  
22 said during this meeting?

23 A. I don't recall her saying anything during the  
24 meeting.

25 Q. Okay. So then Miss Otting didn't say anything,

1 and so there was nothing in her tone of voice then which  
2 you felt was belittling to you then?

3 A. Miss Otting?

4 Q. Yes.

5 A. She was a temp staff. So she -- she didn't  
6 belittle me.

7 Q. Okay.

8 A. She wasn't involved in that -- in the  
9 discrimination.

10 Q. Okay. All right. So then, as I'm  
11 understanding you, you're saying that the tone of  
12 Miss Martinez's voice and the tone of Miss Marquez's  
13 voice?

14 A. Sorry. Repeat that.

15 Q. What I am understanding your testimony to be is  
16 that the tone of Miss Marquez's voice and the tone of  
17 Miss Martinez's voice is what you were -- are saying was  
18 the belittling aspect of that particular meeting?

19 A. No.

20 Q. So then what --

21 A. That's not what I am saying.

22 Q. So please explain to me, because this is my  
23 only chance to try to get it.

24 A. Okay. What I'm saying is they were talking to  
25 me as though I was incompetent. I did not -- I guess I

1 was supposed to understand the changes even though those  
2 changes were not communicated to me.

3 So they -- they made me feel like -- based  
4 on the things that they were saying, they made me feel  
5 like I was stupid, like I was incompetent, I didn't know  
6 my job as it related to the changes that were being  
7 made.

8 Q. Okay. So what specifically did they do that  
9 made you feel that way?

10 A. They were talking to me as though I was  
11 incompetent.

12 Q. And can you describe how they were talking to  
13 you that made you feel you were incompetent?

14 A. I can't describe how -- I don't remember  
15 everything they said. But they set up a situation when  
16 we were in that meeting as though changes regarding the  
17 visit clock token system had been communicated to me.  
18 And I explained to them several times that that was not  
19 communicated. The changes were not communicated.

20 What those changes were specifically, I  
21 cannot remember.

22 Q. Okay. So what was their response to you  
23 explaining that the changes had not been communicated to  
24 you?

25 A. They kept responding as though the changes had

1 been communicated to me, like I should have known those  
2 changes took place.

3 Q. Okay. Can you describe -- can you provide any  
4 additional description or information pertaining to  
5 Miss Marquez and your allegation that you believe she  
6 discriminated against you on the basis of your race,  
7 other than what you've just testified about?

8 A. I cannot remember.

9 Q. Okay. Have you now testified as to all of the  
10 information that you recall concerning Miss Marquez that  
11 you say supports your position that she discriminated  
12 against you on the basis of your race?

13 A. Can you repeat that?

14 MR. GARZA: Could you please read it?

15 (Requested testimony read back by the  
16 court reporter.)

17 A. That's all I can recall right now.

18 Q. (BY MR. GARZA) Okay. Let's move on to  
19 Miss Martinez, Sylvia Martinez. Same type of question.  
20 You said that she treated you -- she was -- you say that  
21 she treated you in such a way that you believe that you  
22 were discriminated against on the basis of your race.  
23 And you went on to say that it was how she talked to  
24 you.

25 What situations or what incidents can you



1 tell us about that support this position that you feel  
2 she was -- she discriminated against you on the basis of  
3 your race?

4 A. I do recall a situation -- again, it was about  
5 the visit clock tokens -- where I requested -- I don't  
6 recall exactly what it was, but I was asking her some  
7 information, and she refused to give me that  
8 information.

9 Q. What information were you seeking?

10 A. It had something to do with the visit clock  
11 tokens. Like I said, I don't remember exactly what that  
12 was. But she refused to give me the information that I  
13 was asking for.

14 Q. Now, you said that she refused. Did she  
15 actually tell you, no, I am not going to give it to you,  
16 or did she just fail to give it to you?

17 A. I wouldn't say she say what you said, but  
18 she -- she -- I really don't recall. Like I said, I  
19 don't recall exactly what she said.

20 Q. Okay. So just so I understand, you're not  
21 saying that she -- she refused to give information, but  
22 that she failed to give you information. Isn't that  
23 right?

24 A. I'm not going to say that. From what I  
25 remember, she disregarded the question or the

1 information that I wanted. And I do recall sending an  
2 e-mail to Alan Garza letting him know that I ended the  
3 conversation. So I'll say that. But like I said, I  
4 don't remember exactly what was said.

5 Q. I may have asked you this, but what was Sylvia  
6 Martinez's position?

7 A. I believe she was a supervisor.

8 Q. And was she a supervisor in the New Braunfels  
9 branch?

10 A. No. She was a supervisor in San Antonio.

11 Q. Supervisor of what?

12 A. I don't know. I don't remember that.

13 Q. Okay. So other than that one incident that you  
14 recall regarding the token, the visit clock token, where  
15 you say she disregarded your question, are there any  
16 other incidents that you can testify about or can  
17 provide to us on which you say she discriminated against  
18 you on the basis of your race?

19 A. That's not the only situation. A lot of the  
20 decision-making about that branch came from Sylvia.  
21 There were a lot of complaints.

22 Q. So let's start about the decisions. I'm sorry  
23 to interrupt you, but we'll get back to the complaint  
24 piece.

25 A. Okay.

1 Q. Tell me about the decisions that Miss Martinez  
2 made.

3 A. There were some issues with phone problems we  
4 were having.

5 Q. Okay. What other decisions did she make?

6 A. We received complaints from clients. In some  
7 kind of way, those calls were transferred to -- well,  
8 excuse me. I don't know if they were transferred to San  
9 Antonio, but some kind of way, those calls got to San  
10 Antonio.

11 Q. All right.

12 A. And a lot of communication with those  
13 complaints or with those customers, Sylvia handled those  
14 complaints. So I was not given the opportunity as a  
15 branch manager to address those issues.

16 Q. Okay. What other decisions were made by  
17 Miss Martinez?

18 A. I cannot remember everything, but those are two  
19 of the situations or three that I do recall.

20 Q. Okay.

21 A. But again, details, I don't remember all the  
22 details.

23 Q. All right. So then you've testified that  
24 Miss Martinez disregarded the information that you  
25 wanted, that she made decisions regarding phone

1 problems.

2 A. I don't think I said that about Miss Martinez.

3 Q. That's what we were talking about now.

4 A. Oh, you're right. Martinez.

5 Q. Yes.

6 A. Okay. I thought you said Marquez. Marquez.

7 Q. And so she disregarded your questions that  
8 you -- regarding the information that you wanted. She  
9 made decisions regarding the phone problems, and then  
10 she handled client complaints. Is that right?

11 A. Yes.

12 Q. Okay. Is there anything else that you say that  
13 Miss Martinez did which resulted in the alleged  
14 discrimination on the basis of your race?

15 A. Again, the humiliation, the belittling me in  
16 front of other people, treating me as though I was  
17 incompetent and didn't know my job.

18 Q. Okay. Let's talk about this allegation that  
19 she humiliated you in front of others. What situations  
20 did that occur in and when did they happen?

21 A. I don't remember when they happened, but I do  
22 recall that it was in the meeting related to the EVV  
23 situation. And again, those same people were in the  
24 office, sylvia Martinez, Rebecca Marquez and --

25 Q. Shayna Otting?

1 A. Shayna Otting.

2 Q. Okay. So your statement that she humiliated  
3 you in front of others goes back to the meeting that you  
4 testified earlier about involving Miss Otting,  
5 Miss Martinez, and Miss Marquez?

6 A. And that particular meeting was just  
7 Miss Otting and Rebecca Marquez. So that would be the  
8 others.

9 Q. Yes.

10 A. Uh-huh.

11 Q. Okay. What are the other incidents that you  
12 say she humiliated you in front of others?

13 A. I don't recall. Like I said, I don't recall  
14 every situation that occurred. But there were comments  
15 made by others who -- for instance, Miss Otting, after  
16 they left that meeting, Miss Otting came to me and she  
17 told me they talked to you like you're stupid.

18 Q. Miss Otting said that?

19 A. Yes. And that is how I felt. And I often felt  
20 that way interacting with Alan Garza, Sylvia Martinez  
21 and Rebecca Marquez.

22 Q. And so miss -- did Miss Otting say anything  
23 else to you other than what you just testified about  
24 after the meeting that you had regarding the EVV tokens  
25 with Miss Martinez, Miss Otting and Miss Marquez?

1 A. That wasn't the only comment. She made other  
2 comments about the way they treated me. But again, I do  
3 not understand -- I don't remember everything that we  
4 discussed. But based on the brief discussion that we  
5 did have, she wasn't happy about that meeting.

6 Q. How do you know she wasn't happy about the  
7 meeting?

8 A. Because she expressed it.

9 Q. What did she say?

10 A. I can't remember exactly what was said, but I  
11 do recall vividly the statement about them treating me  
12 as though I was stupid.

13 Q. Do you remember --

14 A. That hit home for me.

15 Q. Do you remember any other statements by  
16 Miss Otting regarding that meeting?

17 A. I don't remember exactly what she said, but  
18 that particular line, I do remember.

19 Q. Okay. Let's talk about -- let's go back to  
20 Miss Martinez and any other incidents of humiliation in  
21 front of others. Other than the meeting regarding the  
22 EVV tokens, what other incidents can you explain to us  
23 that supports your position that Miss Martinez  
24 discriminated on the basis of your race?

25 A. Like I said, I can't remember everything.

1 Q. So as we sit here today, you don't remember  
2 anything other than the meeting with Miss Martinez --  
3 between Miss Martinez, yourself, Miss Otting, and  
4 Miss Marquez?

5 A. I'M sorry, repeat that.

6 MR. GARZA: Would you read it back,  
7 please?

8 (Requested testimony read back by the  
9 court reporter.)

10 A. All I can say is I don't remember everything.

11 Q. (BY MR. GARZA) Okay. So let's talk about  
12 this -- these decisions that Miss Martinez made. You  
13 said that she made decisions regarding phone problems.  
14 What were those phone problems?

15 A. I know at one point the calls were transferred  
16 over to the San Antonio office because of all the issues  
17 that that branch was facing.

18 Q. You're talking about the New Braunfels branch?

19 A. Yes.

20 Q. Okay.

21 A. And at some point I do recall her making the  
22 decisions for the calls to be handed back to us. Again,  
23 I don't remember everything, but I do know that she made  
24 that decision. I was not involved. I was told about it  
25 through Christina. So when I did get the information,

1 that decision had already been made.

2 Q. And who is Christina?

3 A. She was my direct manager.

4 Q. What's her full name?

5 A. Christina Hernandez Ayala, I believe.

6 Q. And what was her position?

7 A. R.N. administrator.

8 Q. Okay. So you're saying that Miss Martinez made  
9 the decisions regarding transferring phone calls to and  
10 from the New Braunfels branch?

11 A. No. What I'm saying is --

12 Q. Is that right?

13 A. -- is they decided to assist us because of  
14 whatever issues were going on. And when -- and I guess  
15 those calls were a little too much for them to handle  
16 based on the feedback that I received. And Sylvia made  
17 the decision that we were going to resume that  
18 responsibility.

19 Q. Okay. And in your answer you made reference to  
20 "they made the decision." Who else was involved in that  
21 decision?

22 A. Alan Garza.

23 Q. Who else?

24 A. Sylvia Martinez.

25 Q. Anyone else?



1 A. Not that I'm aware of.

2 Q. Okay. You also then said that Sylvia Martinez  
3 handled client complaints. What specific complaints do  
4 you recall that she handled?

5 A. I don't recall every single complaint, but  
6 there was a complaint in particular, one where I  
7 recall -- I believe I received an e-mail about this. I  
8 don't recall who the e-mail came from, but there was a  
9 situation where there was a provider in a client's home,  
10 and the client was in prison. And I think that employee  
11 may have been disciplined regarding that issue, and she  
12 was upset about it.

13 And that phone call went to San Antonio,  
14 and Sylvia basically communicated something that was the  
15 total opposite because the person who was supervising  
16 that person was correct that you should not be in a  
17 client's home when they're not present. And that's in  
18 their policy, their field employee policy.

19 Q. So who was the provider?

20 A. I don't remember that person's name.

21 Q. Who was that provider's supervisor?

22 A. That would have been Anna Fell.

23 Q. And Miss -- and Miss Fell, did she make any  
24 decisions in that situation?

25 A. I don't recall. I think she may have either

1 given a verbal warning or that person may have been  
2 written up.

3 Q. And then what was Miss Martinez's involvement  
4 in that situation?

5 A. She -- I do recall her giving that employee --  
6 she provided the opposite information. And I don't  
7 recall how it was worded, but it was in an e-mail. So I  
8 don't -- I don't remember what the e-mail said.

9 Q. And so was Mr. Garza involved in that situation  
10 also?

11 A. I don't remember.

12 Q. All right. So we're talking about client  
13 complaints that were handled by Miss Martinez.

14 A. Uh-huh.

15 Q. What other complaints did she handle other than  
16 this one incident that you just testified to?

17 A. What other complaints?

18 Q. Yes.

19 A. There were other complaints, but, again, those  
20 complaints were not routed to me to address. They,  
21 meaning Sylvia, or if it got to Alan Garza, those  
22 complaints were handled by them.

23 Q. By them who?

24 A. Alan Garza, Sylvia Martinez, and there were  
25 other people that were taking calls related to

1 complaints.

2 Q. Who were they?

3 A. I don't know. I can't remember a lot of those  
4 people. But I found out after the fact. So being the  
5 branch manager, those situations should have been  
6 forwarded to me for me to address, but they were not.

7 Q. And so again, who were those individuals --  
8 those other individuals who took the complaints?

9 A. I wouldn't remember. I cannot remember their  
10 names.

11 Q. Do you remember any specific incident that was  
12 handled by others other than Miss Martinez?

13 A. It's been a long time. There were other  
14 complaints, but I don't remember all of the complaints.  
15 I mean, but that was one that I do remember.

16 Q. Okay. So have you now testified as to all that  
17 you remember concerning Miss Martinez disregarding the  
18 information that you were seeking?

19 A. Repeat that again.

20 Q. Sure. And let me just give you a framework  
21 here.

22 A. Uh-huh.

23 Q. You said she disregarded information that you  
24 were seeking, she handled phone problems, made decisions  
25 regarding the phone problems, made decisions regarding

1 client complaints, and then she was involved in the  
2 meeting with the EVV tokens?

3 A. Yes. She was involved in those meetings, but I  
4 wouldn't say -- what I'm going to say is like I said.  
5 There were other issues, but I don't remember everything  
6 that occurred with these people.

7 Q. Okay. But have you now testified everything  
8 that you can recall regarding those four examples that  
9 you have provided on which you base your contention that  
10 she discriminated against you because of your race?

11 A. And you said based on these examples?

12 Q. Based on what you provided today.

13 A. Yes.

14 Q. Okay. Let's talk about -- let's talk about  
15 Alan Garza.

16 A. Uh-huh.

17 Q. You say he discriminated against you on the  
18 basis of your race by changing from salary to hourly?

19 A. Yes.

20 Q. How do you know that occurred?

21 A. I know that occurred because I have a document  
22 that was signed by me.

23 Q. What's the document?

24 A. It's -- okay. It's Exhibit 8.

25 Q. Exhibit 8?

1 A. Eight, yes. And it's page 14 through 16.

2 Q. Okay. And where does it indicate that you were  
3 an hourly employee?

4 A. On this date, the date that I signed,  
5 December 1st, 2015, Fran Gonzalez showed up at our  
6 branch, at the New Braunfels branch, and she brought  
7 this form with her. This is a copy, though. She  
8 brought the original form that I signed. And she told  
9 me that I was being changed from salary to hourly and  
10 that she told me that Alan Garza told her to make the  
11 change.

12 Q. Who is Fran Gonzales?

13 A. She works in HR in San Antonio.

14 Q. Does she still work there, to your knowledge?

15 A. I don't know.

16 Q. What else did she say?

17 A. She didn't say anything else.

18 Q. And what was your response to her?

19 A. I didn't respond. I was a little confused.

20 Q. Did you ever seek clarification from anyone  
21 else?

22 A. I did discuss it with Christina, who is my  
23 direct supervisor. I questioned her, I asked her why  
24 was that change made. And I asked her, did anyone  
25 else -- was anyone else changed.

1 And she told me no. No one told her about  
2 this. I also followed up with Sarah Gogo a couple of  
3 times and questioned her about the issue.

4 Q. What was Sarah's response to -- or even  
5 Christina, her response to this alleged change from  
6 salary to hourly?

7 A. I shared with you what Christina's response  
8 was.

9 Q. Okay. So --

10 A. And Sarah Gogo's response, I think I recall  
11 e-mailing her a couple of times on this issue. And I  
12 don't know. I can't remember if she responded via  
13 email, but I do recall me asking her in a phone  
14 conversation that we had about this. And she verified  
15 that I was still salary.

16 Q. Okay.

17 A. So to me, this document was bogus.

18 Q. And so as far as the salaried or hourly  
19 compensation during your employment with The Medical  
20 Team as a manager, you have always been paid a salary.  
21 Isn't that right?

22 A. Yes. I received a paycheck every time everyone  
23 else did.

24 Q. Okay. Okay. Have you now testified as to all  
25 the facts on which you believe that you were

1 discriminated against on the basis of your race as a  
2 result of this change from a salary to an hourly  
3 compensation?

4 A. For this particular situation or?

5 Q. Yes. This particular situation.

6 A. I would have to say yes.

7 Q. Okay.

8 A. Because no one else was subjected to this, no  
9 other branch manager.

10 Q. All right. You also aid that Alan Garza denied  
11 resources to you. What -- explain what you mean by  
12 that.

13 A. There was a time when I -- this was during the  
14 time he hired temporary staff when EVV was being  
15 implemented. And there was Shayna Otting who was our  
16 receptionist, I believe. And there was no computer.  
17 And there was work that she had to do that required a  
18 computer. And I did make the request through Christina,  
19 and I don't remember if I made the request directly  
20 through Alan. But Christina's feedback to me regarding  
21 that particular request, it was denied.

22 Q. What did you request?

23 A. A computer. This person needed the computer to  
24 handle some EVV responsibilities, and that request was  
25 denied.

1 Q. And who conveyed to you that the request was  
2 denied?

3 A. Christina.

4 Q. What specifically did she say?

5 A. I can't remember, but I do know that when I  
6 would make requests, it was either there's no money in  
7 the budget or that's not an option. But I don't  
8 remember her exact response, but it was denied.

9 Q. Okay. But you don't remember whether it was a  
10 budget reason or any other reason, you just don't  
11 remember anything that she said other than the denial of  
12 the request, correct?

13 A. All I know she said is that he denied it.

14 Q. And by "he," who was -- who was she referring  
15 to?

16 A. Alan Garza.

17 Q. And how do you know that?

18 A. She said his name.

19 Q. Okay. So then what I'm trying to get at is I'm  
20 trying to get what she said.

21 A. Uh-huh.

22 Q. And so you're testifying today that she said  
23 Alan Garza has denied the request, essentially?

24 A. Yes.

25 Q. What do you recall else that Miss Hernandez,



1 Christina Hernandez, said during that conversation  
2 regarding the denial of your request for a computer?

3 A. I don't remember everything. But what I do  
4 know is that Rebecca Marquez, she came down, and I don't  
5 recall what she came down to the office for.

6 Q. I'm talking about Miss Hernandez.

7 A. I don't remember --

8 Q. What else did you remember?

9 A. -- everything she said.

10 Q. Okay.

11 A. It wasn't a lengthy conversation.

12 Q. Now go ahead and explain to me what you were  
13 going to say about Miss Marquez.

14 A. Miss Marquez came to the branch. And I don't  
15 recall the reason she came there. And she discovered  
16 and made a reference to Shayna not having a computer.  
17 And I do recall mentioning to her that I made that  
18 request. It was denied. So she basically said that she  
19 was going to let Alan know that we do need a computer.  
20 When she went back to San Antonio and communicated that,  
21 it wasn't long before that that computer was delivered.

22 And I felt like it was a race issue  
23 because Rebecca Marquez is Hispanic, I'm black. And  
24 when I made that request, it was denied.

25 Q. What's her position?

1 A. I don't recall what her position was. I -- I  
2 don't recall.

3 Q. Okay. Have you now testified as to all of the  
4 facts on which you believe that you were discriminated  
5 against by Mr. Garza on the basis of your race in  
6 relation to this denial of resources?

7 A. That's not everything.

8 Q. Tell me what other denial of resources.

9 A. There was another request for a computer. I  
10 believe it was two computer monitors for Valerie  
11 Castillon. She was the administrative assistant. And I  
12 don't recall what she needed those computer monitors  
13 for. I do recall making that request. I don't remember  
14 if it was through Christina or through Alan Garza  
15 directly. And I don't recall that being -- that request  
16 being granted.

17 But I do recall Valerie sending an e-mail,  
18 and I believe it was to Alan Garza, about those  
19 monitors. And he made reference to he was -- he had  
20 been thinking about those monitors. And she got her  
21 monitors. And again, she was a Hispanic. She's  
22 Hispanic. I'm black.

23 There was another issue where --

24 Q. Let me follow up on this --

25 A. Okay.

1 Q. -- Valerie Castillon thing. It was a request  
2 for a computer?

3 A. Commuter monitors, from what I remember.

4 Q. And what was needed? Why did she need computer  
5 monitors?

6 A. I really don't recall. I think it -- I think  
7 she was kind of like in and out of systems. And she  
8 needed dual monitors because of the different tasks she  
9 was managing. So I believe it was in relation to that  
10 request.

11 Q. And so she made the request specifically to or  
12 directly to Mr. Garza?

13 A. I believe it was directly to Mr. Garza.

14 Q. Okay.

15 A. Via e-mail.

16 Q. Or it could have been to Christina Hernandez;  
17 is that right?

18 A. It was one or the other, but I believe it was  
19 Alan Garza.

20 Q. When did you make the request for dual monitors  
21 for Miss Castillon?

22 A. I don't remember exactly when I made the  
23 request.

24 Q. Was it before or after Miss Castillon's e-mail  
25 to Mr. Garza?

1 A. It was before.

2 Q. And did you make the request via e-mail?

3 A. I don't remember.

4 Q. Okay. Have you now testified as to all of the  
5 information that you have pertaining to this request for  
6 monitors for Valerie Castillon that you say supports  
7 your position that Mr. Garza discriminated against you  
8 on the basis of your race?

9 A. Related to this situation? Is that your  
10 question?

11 Q. Related to Valerie Castillon. See what I'm  
12 trying to do --

13 A. Yes.

14 Q. -- is I'm trying to make sure that if you give  
15 me an example --

16 A. Uh-huh.

17 Q. -- I want to find out have you testified to all  
18 of the facts that you have pertaining to that. And then  
19 we close that off and we go to the next situation. So  
20 that's just to give you a little bit of structure on  
21 what the purpose of my questions are.

22 A. Okay.

23 Q. So let's move on beyond the Valerie Castillon  
24 incident. What other denial of resources?

25 A. We were having some printer issues, and those

1 printer issues, that's how we receive our referrals from  
2 the State. And for some reason, this printer was going  
3 haywire. And it kept breaking down for some-odd reason.  
4 And I did put in a request, I believe, through  
5 Christina. I put in a request to have a used printer.

6 And I do -- I believe, if I remember  
7 correctly, when I made that request, the response was  
8 there was no money in the budget.

9 Q. And who --

10 A. And that was --

11 Q. Sorry. Go ahead.

12 A. And that was communication I had with Christina  
13 who was my direct supervisor at the time.

14 Q. All right. How do you know that Mr. Garza was  
15 involved in that?

16 A. All I can do is go by what Christina  
17 communicated to me. Alan was her boss. And I cannot  
18 speak to that.

19 Q. She did --

20 A. All I know is this is the information that she  
21 provided to me.

22 Q. Did she say Alan Garza denied the request?

23 A. Yes.

24 Q. Have you now testified as to all the facts  
25 relating to this printer issue which you say is a denial

1 of resources available to you which leads you to believe  
2 that Mr. Garza discriminated against you on the basis of  
3 your race?

4 A. Yes.

5 Q. Okay. Are there any other denial of resources  
6 situations that you believe shows that you were  
7 discriminated against on the basis of your race?

8 A. I don't recall all of the other issues. I do  
9 recall Christina getting to the point where, you know, I  
10 would make requests for resources. And again, I don't  
11 remember what they all were. But she just got to a  
12 'point where she's, like, I already know what he's going  
13 to say, so, you know, why bother asking. So --

14 Q. But as we sit here today, you don't recall any  
15 other specific requests?

16 A. Related to resources?

17 Q. That's correct.

18 A. I can't recall any off the top of my head.

19 Q. Okay. Let's move on then to your allegation  
20 that Mr. Garza humiliated you in front of employees.

21 A. Uh-huh.

22 Q. Tell me what situations that occurred.

23 A. I do recall one situation where we were  
24 supposed to have a meeting regarding this whole EVV  
25 issue. And Christina was supposed to participate in

1 that meeting, but for some reason, she was not there.  
2 Anna Fell, Shayna Otting and myself was at our branch.  
3 It was a conference call meeting. And it was Alan  
4 Garza, Rebecca Marquez and Sylvia Martinez on the other  
5 end of the call.

6 And according to the information that I  
7 got from Alan Garza is we were supposed to have this  
8 conversation to discuss some of the concerns about EVV.

9 And that phone call turned out to be a  
10 bash meeting. He was very upset. He accused me and my  
11 staff, the system being a failure because of us. And I  
12 was trying to explain that I didn't even get -- whatever  
13 it was, I was going to say he basically shut me down and  
14 said he didn't want to hear what I had to say, he wasn't  
15 going to argue with me. And I mean, I just literally  
16 felt humiliated.

17 I think the staff, based on one of the  
18 employee's actions, because Shayna Otting was just a  
19 temp, they were fearful. I was fearful. Anna Fell  
20 started removing her personal belongings. And I do  
21 remember asking her was she going to quit. And she  
22 said, no, I'm just taking my things home because, you  
23 know, she felt like she was going to, you know, be  
24 fired. She didn't know if she was going to be there.  
25 So that is one situation I do recall.

1 Q. Okay. Let's stay with that one situation.

2 A. Uh-huh.

3 Q. And it was a telephone conference between

4 Marquez, Martinez and Garza, Fell, Anna Fell --

5 A. Anna Fell.

6 Q. -- Miss Otting and yourself?

7 A. Yes.

8 Q. Okay. What specific statements were made by  
9 Mr. Garza that you say bashed you or your staff?

10 A. Because I was being blamed for an issue. And  
11 this whole meeting was supposed to be to resolve  
12 whatever concerns there were, but it was a meeting where  
13 we were being blamed for the failure of this system.

14 Q. And my -- and my question is --

15 A. Go ahead.

16 Q. -- what did he say?

17 A. I don't remember exactly what he said. But I  
18 do know it was enough to cause fear in the people who  
19 were in that room.

20 Q. And I think you also testified that Mr. Garza  
21 made statements that accused you and your staff of being  
22 the reason for failure of some sort. What were you  
23 talking about? What did you say?

24 A. The failure of the EVV system.

25 Q. From what you know, did that system fail



1 completely?

2 A. I don't know. I guess he didn't use those  
3 exact words but based on the information that he --  
4 based on the things that he said, things weren't going  
5 right with that system.

6 Q. Okay. So things were not going well --

7 A. Uh-huh.

8 Q. -- with the system. But he didn't say it was a  
9 failure either; is that right?

10 A. He made inference. It may not have been in  
11 those exact words, but he made inference that the things  
12 involving that system wasn't going right and it was our  
13 fault.

14 Q. Okay. You also said that he shut you down.

15 A. Well, I was trying to explain something to him,  
16 and I couldn't express what I needed to express.

17 Q. What were you trying to explain to him?

18 A. I really don't remember. Whatever it was, I  
19 wasn't even able to communicate that.

20 Q. Okay. You also said that Mr. Garza said that  
21 he was not going to argue with you.

22 A. Uh-huh.

23 Q. And what was -- what were you saying that he  
24 made that comment to?

25 A. Again, I was trying to say something, and he

1 shut me down. Whatever it was that I was going to  
2 express, he shut me down like I -- and I just remained  
3 quiet because he was upset, and I didn't want to lose my  
4 job, you know. So I just kept quiet --

5 Q. And so --

6 A. -- and let him say whatever it was he said  
7 during that conversation.

8 Q. And so when you say he shut you down, that to  
9 me is a conclusion. What I'm trying to figure out is  
10 what happened that led you to describe it, the conduct  
11 of Mr. Garza in just -- for you to say that he shut you  
12 down?

13 A. Well, he raised his voice. He did raise his  
14 voice. I could tell he was upset.

15 Q. Okay. But as to the specific statements of  
16 Mr. Garza, you can't recall what the specific statements  
17 were?

18 A. I cannot recall what the specific statements  
19 were because that has been a long time ago. A lot has  
20 happened between, you know, that time and now. So I --  
21 I don't remember everything that was said.

22 Q. You also testified that Miss Fell stated that  
23 she felt that she would be fired. What other statements  
24 did she make to you regarding her impressions from that  
25 meeting?

1 A. She was just upset. Again, I do not remember  
2 everything she said. But when I saw her removing her  
3 personal things and take them home, that was part of the  
4 reason why she did that because she was afraid that she  
5 was going to be fired. I mean, there was conversation  
6 in the office about how that meeting went, and people  
7 were fearful.

8 Q. Who was -- who were these conversations  
9 between?

10 A. Of course, I was there. So Anna Fell, Shayna  
11 Otting and Rae Cazares. I do remember her being in the  
12 office during this whole ordeal. And I believe the door  
13 may have been open, so I think she probably caught wind  
14 of some of that because I do recall all of us engaged in  
15 conversation.

16 But again, specifics, I don't recall,  
17 other than Anna feeling fearful that she was going to be  
18 fired.

19 Q. Okay. So just to be clear, you do not recall  
20 any statements of the others, other than Miss Fell,  
21 regarding their impressions of that meeting or what  
22 their recollection of that meeting was?

23 A. I mean, other than the meeting being -- them  
24 feeling like it was inappropriate. But, again, I can't  
25 sit here and say to you that I remember exactly what was

1 said.

2 Q. Okay. So have you now testified as to all of  
3 the facts that you recall pertaining to this telephonic  
4 meeting regarding the EVV system on which you base your  
5 contention that Mr. Garza discriminated against you on  
6 the basis of your race?

7 A. I'm sorry. Repeat that.

8 MR. GARZA: Can you read that back?

9 (Requested testimony read back by the  
10 court reporter.)

11 A. I would add that during that meeting, I did  
12 feel humiliated and embarrassed because this was done in  
13 front of the employees. And I was fearful, so yes.

14 Q. (BY MR. GARZA) What caused that fear?

15 A. Him raising his voice and him cutting me off  
16 and not allowing me to express whatever it was that I  
17 wanted to say. And again, he sounded -- he was angry.  
18 He was not happy at all. It was aggressive. So that's  
19 what caused the fear for me.

20 Q. Is there anything else pertaining to this  
21 issue?

22 A. Not that I can remember.

23 Q. Okay.

24 MR. CAMMACK: Do you want to think about  
25 taking a lunch break?

1 MR. GARZA: We probably should.

2 (At 12:50 p.m. the proceedings recessed,  
3 continuing at 2:00 p.m..)

4 Q. (BY MR. GARZA) Okay. We're back on the  
5 record. You were talking about the incidents or the  
6 basis on which you say that Mr. Garza -- you feel  
7 Mr. Garza discriminated against you on the basis of your  
8 race. We've gone there some things already. We're not  
9 going to rehash that.

10 But one of the things that we were talking  
11 about is you said that he humiliated you in front of  
12 employees. You've already talked about the EVV call,  
13 that issue. Is there anything else other than the call  
14 pertaining to the electronic visit verification system?

15 A. Not that I can recall.

16 Q. You also state that you feel that Mr. Garza  
17 discriminated against you on the basis of your race  
18 because you were not involved in important decisions  
19 regarding the branch. What decisions were you not  
20 involved in?

21 A. Again, I'm going to go back to the telephone  
22 issue that I mentioned.

23 I'm sorry. Repeat your question.

24 Q. Sure. You said that you were not involved in  
25 important decisions regarding the New Braunfels branch.

1 What were those decisions that you were not involved in?

2 Sorry. Let me rephrase that. I'm sorry.

3 You said that you were not involved in  
4 important meetings regarding the branch. So that's what  
5 I'm -- that's what I'm focusing on is the meetings  
6 regarding the branch.

7 A. Okay. I don't have specifics, but based on  
8 communications that Christina and I would have, there  
9 were meetings that took place over in the San Antonio  
10 office, and those are meetings that I should have been  
11 involved in. Again, I can't recall specifics because  
12 that's been a long time ago, so I don't really recall.

13 I can't recall at the moment specifics,  
14 but I do know, based on conversations that Christina and  
15 I had, there were meetings that I would question, well,  
16 why wasn't I involved in this meeting that pertained to  
17 issues with our branch? But specifics, I can't give any  
18 specifics.

19 Q. And you can't -- you can't specify which  
20 meetings they were?

21 A. No. Not off the top of my head.

22 Q. Can you specify what the topics were?

23 A. No. It's been a long time, so I don't recall.

24 Q. And so when you make reference to Christina,  
25 are you talking about Christina Hernandez or --

1 A. Christina Hernandez Ayala, my direct manager.

2 Q. Okay. So as we sit here today, have you  
3 testified as to all of the -- have you testified that  
4 you do not recall when or about what -- about -- let me  
5 start that again. Strike that. Twice, if possible.

6 So as we sit here today, you cannot recall  
7 the meetings that you say you were not involved in?

8 A. Yes. There were meetings that took place that  
9 I questioned why I wasn't there. But as it relates to  
10 specifics, I can't say.

11 Q. So did you question -- did you question in  
12 writing or did you question verbally?

13 A. Based on feedback that Christina would give me,  
14 it was probably verbal. If it was written in an e-mail,  
15 I don't remember.

16 Q. And do you remember any of the feedback that  
17 Christina gave to you which caused you to question why  
18 you were not involved in the meeting?

19 A. That's been a long time ago. I don't  
20 remember.

21 Q. Are there any documents that you've written,  
22 have you kept notes that would help you refresh your  
23 memory about that?

24 A. I don't know, but if you have something that  
25 you could give me, maybe that would refresh my memory.

1 Q. Okay. All right. You also stated that there  
2 were decisions made by Mr. Garza, Sylvia Martinez and  
3 Rebecca Marquez on which you base your claim that you  
4 were discriminated -- were discriminated against on the  
5 basis of your race.

6 Now, you've already testified regarding  
7 anything related to the conversation that you had with  
8 Miss Marquez and Miss Martinez and Miss Otting. Was  
9 Mr. Garza involved in that conversation?

10 A. Where we were in my office?

11 Q. Yes.

12 A. When you say involved, what do you mean?

13 Q. Was he a participant in the conversation?

14 A. He was not present.

15 Q. Okay. All right. So then you also said that  
16 Mr. Garza, Miss Marquez and Miss Martinez made  
17 decisions, and that is the basis upon which you say you  
18 were terminated, that you were discriminated against  
19 because of your race?

20 A. There were decisions that were made about that  
21 branch that I would -- I couldn't -- that I didn't make.  
22 I wasn't included in those meetings. For example, the  
23 meeting about the phone, when it was -- and I think I  
24 said this before. When the decision was made for the  
25 phone calls to resume and hand us back that



1 responsibility, that was already a decision that was  
2 made.

3 Q. Okay. What other decisions were made by  
4 Mr. Garza, Miss Marquez and Miss Martinez that you say  
5 support your contention that you were discriminated  
6 against because of your race?

7 A. Repeat the question.

8 MR. GARZA: Read that back, please.

9 (Requested testimony read back by the  
10 court reporter.)

11 A. Everything that I said earlier, that's  
12 everything that I'm going to stick to. So whatever  
13 information I shared earlier is the same response that I  
14 want to stick to.

15 Q. (BY MR. GARZA) So then the decisions that you  
16 testified about previously that Miss Martinez made, was  
17 Mr. Garza involved in that?

18 A. And what was that specifically?

19 Q. Well, you said phone problems, there are were  
20 client complaints and Miss Martinez disregarded  
21 information that you were seeking.

22 A. He was either involved via e-mail, some of this  
23 stuff was -- transpired via e-mail. I do recall his  
24 name on e-mails, but if you have something that you can  
25 show me, I -- that maybe that will refresh my memory.

1 As far as him being present at this one  
2 particular meeting you're talking about, he was not  
3 there, but he was involved in some way. Whether he  
4 directed them to come to the office to meet with me, his  
5 name was brought up as to the reason why they were  
6 there.

7 Q. Who brought up his name?

8 A. Sylvia and Rebecca, the reason why they were  
9 there. And I think there may have been some  
10 communication, but again, I can't say with confidence  
11 that it was a communication, that he was involved via  
12 communication or, like I said, it was e-mail.

13 Q. Okay. So were there any other decisions that  
14 were made by Mr. Garza and Miss Marquez and  
15 Miss Martinez?

16 A. In relation to?

17 Q. In relation to your branch.

18 A. Like I said, there were decisions that were  
19 made about that branch that I was not involved in.  
20 Basically, I was handed down a set of instructions, not  
21 written, but this is how this is going to go. Whatever  
22 that may have been.

23 Q. And you've already testified about any  
24 decisions that were made by others and not by you. Is  
25 that right?

1 A. Like I said, the decisions that were made,  
2 Sylvia Martinez and Alan Garza, those decisions were  
3 already made by them.

4 Q. And I guess I need to find out from you is why  
5 you believe Mr. Garza was involved in those decisions.

6 A. A lot of the direction came from Alan Garza.

7 Q. How do you know that?

8 A. Either from an e-mail or a phone conversation  
9 we had. So if he directed them to meet with me or  
10 whatever the situation may have been, it was his  
11 direction.

12 Q. Okay. But if it's not in an e-mail and it's  
13 not in another document, then you're relying upon your  
14 memory to --

15 A. No. I'm relying --

16 Q. You're relying on your memory for purposes of  
17 saying that Mr. Garza was involved in the decision?

18 A. I'm relying on communication that I had with  
19 those individuals, instructions that they were given.

20 Q. What instructions were they given?

21 A. I cannot recall. I do not remember.

22 Q. That's what I'm trying to get to. You don't  
23 remember what the instructions were from Miss Marquez or  
24 Miss Martinez, correct?

25 A. I'm sorry. Repeat that.

1 Q. You don't remember the instructions -- or you  
2 don't know of any instructions given to Miss Martinez  
3 and Miss Marquez by Mr. Garza?

4 A. What I'm saying is if they showed up at the  
5 branch, they were instructed to do so by Alan Garza.

6 Q. And --

7 A. And this is based on either they say they --  
8 we're here because Alan wants us to be here, or it could  
9 have been communicated in an e-mail.

10 Q. And so you're saying then that Mr. Garza was  
11 the one who instructed Miss Marquez and Miss Martinez to  
12 talk to you about the EVV system in your office?

13 A. Yes.

14 Q. Okay. What other -- what other decisions  
15 involved Mr. Garza then? You gave me one instance,  
16 which is the EVV system, conversation in your office.  
17 Is there anything else?

18 A. The telephone issue that I previously brought  
19 up.

20 Q. Okay. And how do you know that he told you --  
21 he was part of that process?

22 A. When Christina and I discussed the whole issue  
23 of the phones returning to that branch, his name was  
24 brought up. Sylvia's name was brought up.

25 Q. In what regard?

1 A. They made the decision to have the calls  
2 returned to the New Braunfels branch.

3 Q. So it's your testimony then Miss Martinez said  
4 that it's -- the decision has been made -- essentially  
5 the decision was made by Mr. Garza and Miss Marquez to  
6 return phone calls to the New Braunfels branch?

7 A. What I'm saying is Christina, when her and I  
8 communicated regarding that issue, Alan Garza and Sylvia  
9 Martinez -- I don't recall Rebecca being in that  
10 conversation about the telephone calls being returned,  
11 but their names were brought up, and that decision was  
12 already made. I had no involvement in that. It was  
13 never discussed with me that that was going to happen.  
14 I just received a phone call one day from Christina, we  
15 talked about it, and their names were brought up --

16 Q. And their names --

17 A. -- as the decision makers.

18 Q. Okay. So their names were brought up. How?

19 A. I can't -- this has been almost two years ago.  
20 I do not remember that.

21 Q. Okay. And as far as the client complaints,  
22 any decisions made regarding client complaints, how was  
23 Mr. Garza's name brought up?

24 A. In an -- he could have been CC'd on an e-mail  
25 or just in communication.

1 Q. And you're saying he could have, but I'm asking  
2 what actually happened.

3 A. Sir, I don't remember that.

4 Q. Okay. And I appreciate that because anything  
5 can happen and anything is possible, but we --

6 A. I agree with you.

7 Q. -- have to go with facts.

8 You also said that Mr. Garza made you feel  
9 incompetent. Tell me the situations in which that  
10 occurred.

11 A. There was a situation that I remember  
12 distinctly where I don't even know what he was working  
13 on, but I was sent, I believe it was a Microsoft Excel  
14 document. And it was a document that I had never seen  
15 before. No one prepared me that I was going to be  
16 receiving this e-mail.

17 And I do recall -- and I don't remember if  
18 it was through e-mail, but I do recall having a  
19 conversation with Christina about me not understanding  
20 what he was requesting in that document. And he did  
21 make a comment that like I should have -- like I should  
22 know what he's asking of me. And Christina, she really  
23 couldn't help me because, according to her, she really  
24 didn't understand.

25 So she did share with me that she went to

1 his office and she shared with him that I needed help  
2 understanding what he was requesting in that document.  
3 And according to Christina, he became angry and slammed  
4 his hand on the desk. And I was kind of baffled as to  
5 why he would be so upset just because I'm requesting for  
6 understanding, because I didn't know what he was asking.  
7 Because I had never seen that document.

8 And I do recall sending him an e-mail  
9 asking him what he meant. And again, he responded -- it  
10 was negative. I don't recall the exact response, but he  
11 basically made an inference to I should understand or I  
12 should know.

13 Q. So the conversation you had with Christina  
14 about this issue, when did that happen?

15 A. I don't remember.

16 Q. Was it telephonic or face-to-face?

17 A. I believe we discussed it over the phone, and I  
18 believe we also discussed it face-to-face because her  
19 and I did -- excuse me -- her and I did meet.

20 Q. Where did you meet?

21 A. She would come to my office. She would try to  
22 make it every month until she was told to limit her  
23 visits at the New Braunfels branch.

24 Q. When was she told to limit her visits to New  
25 Braunfels?

1 A. I wouldn't have any idea when she was told  
2 that.

3 Q. How do you know that?

4 A. She expressed that to me.

5 Q. And did she express who informed her to  
6 limit --

7 A. Alan Garza.

8 Q. Did she express why?

9 A. Well, I asked her that question, why would he  
10 say -- why would he tell you to limit your time here?  
11 You're my superior, and I depend on her for support.

12 Q. What did she say?

13 A. I don't remember.

14 Q. She didn't say anything, though, did she?

15 A. I wouldn't say that.

16 Q. You just don't remember?

17 A. I do not recall. That's been -- a lot of time  
18 has passed since that happened.

19 Q. Wasn't that interesting fact to remember, what  
20 she said in response to what -- to what you-all were  
21 talking about?

22 A. What would be an interesting fact to me is why  
23 would he tell her to limit her visits.

24 Q. Can you think of any reason?

25 A. Because he didn't want her supporting me.



1 Q. Can you think of any other reason?

2 A. I feel a lot of what Alan Garza did was based  
3 on the fact that I was black.

4 I rarely depended on Christina for -- I  
5 wasn't really a needy manager, so him telling her to  
6 limit her visits, I mean, why would he instruct her to  
7 limit her visits if I had a concern or if I needed her  
8 support at the branch?

9 Q. And she told you that during a face-to-face  
10 meeting?

11 A. Like I said, it was either face-to-face or over  
12 the phone, but we did have that discussion.

13 Q. And you don't remember when it happened?

14 A. A lot of time has passed by. I do not remember  
15 exactly when that happened.

16 Q. What other incidents do you feel show that  
17 Mr. Garza made you feel incompetent?

18 A. Whenever we did have meetings -- and I just  
19 remember on a couple of occasions he would involve  
20 Sylvia and Rebecca. And just based on what the meeting  
21 was about, I couldn't understand why they were present.  
22 So --

23 Q. What were the meetings about?

24 A. I don't recall. I just know being in  
25 situations, I remember how I feel -- how I felt.

1 Q. So --

2 A. Go ahead. I'm sorry.

3 Q. So if you don't remember the topics of the  
4 conversation, you can't say that Sylvia and Rebecca  
5 should not have been in those meetings?

6 A. What I'm saying is there were situations where  
7 we would have a phone conversation. And there was a  
8 time when he was at the branch discussing race  
9 performance, and there was no reason for Sylvia to be  
10 present.

11 Q. As you understand --

12 A. So it's situations like that.

13 Q. As you understand it.

14 A. It was another person's -- it was criticisms of  
15 an employee he managed, and I just felt like it was  
16 inappropriate for Sylvia to be there.

17 Q. What was Sylvia's position?

18 A. She was some type of supervisor.

19 Q. Supervisor of people in the New Braunfels  
20 branch?

21 A. She was not supervisor -- a supervisor of  
22 people of the New Braunfels branch.

23 Q. Did she have any involvement in the New  
24 Braunfels branch?

25 A. Going back to statements that I made about her

1 involvement, again, decisions that where made. But for  
2 this particular instance, there was no reason for her to  
3 be in a meeting like that.

4 Q. And just so I'm clear, you do not remember what  
5 her involve -- what her management involved pertaining  
6 to people in the New Braunfels branch, do you?

7 A. If you have a -- her job description, maybe I  
8 can read some things. But as far as I know of, she was  
9 not supervising anyone over the New Braunfels branch. I  
10 was never --

11 Q. Okay.

12 A. -- told that she was responsible for  
13 supervising people.

14 Q. Okay. So you said there was a couple of  
15 meeting involving Sylvia and Rebecca, and you mentioned  
16 this one meeting concerning Rae Cazares.

17 A. Uh-huh.

18 Q. What were the other meetings?

19 A. Again, a lot of those meetings -- because the  
20 whole EVV implementation, we met face-to-face. I can't  
21 say how many times exactly, but I know it wasn't  
22 excessive. It was very few times, but I'm not going to  
23 give you a number because I don't know the exact number  
24 of times.

25 Q. Well, I'm talking about the meetings in which

1 you say that he -- Mr. Garza made you feel incompetent.

2 A. Those were meetings that were, like I said,  
3 conference calls. The one where I go back -- or I have  
4 to go back to the meeting where he was angry about the  
5 EVV. This meeting that we had, they were involved,  
6 Sylvia and Rebecca.

7 Q. Meeting about what?

8 A. I'm going to get there.

9 Q. Okay.

10 A. The meeting about this document that I had  
11 never seen, they were there.

12 Q. The Excel spreadsheet. Okay.

13 A. Uh-huh.

14 Q. What else?

15 A. And then that's all I can recall right now.

16 Q. Okay. You also said that Mr. Garza belittled  
17 you in front of staff. So tell me what situations  
18 occurred in which he belittled you in front of staff.

19 A. It would be the same situations I brought up  
20 before.

21 Q. Okay. And so from my memory, to encapsulate  
22 what you said, what were those events?

23 A. I gave them to you.

24 Q. You're talking about the conversation  
25 regarding -- or the Microsoft Excel document?

1 A. Repeat your question again.

2 MR. GARZA: Read it back, please.

3 (Requested testimony read back by the  
4 court reporter.)

5 A. Again, that would be the situations that I gave  
6 you examples of.

7 Q. (BY MR. GARZA) Okay. You just gave me the  
8 term "situations." You have testified about a lot of  
9 things today. So going back -- I'm going to try to  
10 review these.

11 A. That's what I was going to say, if you can  
12 write off of what I wrote --

13 Q. So you're talking about --

14 A. -- or what I said.

15 Q. You're talking about the Microsoft Excel  
16 document?

17 A. Uh-huh.

18 Q. That's one; is that right?

19 A. Yes.

20 Q. Then there were the meetings involving Sylvia  
21 and Rebecca. Is that --

22 A. What meetings are you referring to --

23 Q. That's what I'm trying to --

24 A. -- because I said a lot today?

25 Q. Phone conversations. There were phone

1 conversations, the EVV implementation?

2 A. Yes.

3 Q. Okay. And so other than those, I don't  
4 remember any others where you said that Mr. Garza  
5 belittled you. So I'd ask that you would help me and  
6 let me know.

7 A. There were other instances, but those are  
8 the -- the instances that I gave you, those are  
9 situations that I do recall, I can recall, because of  
10 how those meetings -- how he reacted and those meetings  
11 made me feel, the people who were involved. So I can't  
12 make up something. I'm not going to sit here and make  
13 up something.

14 Q. And I appreciate that.

15 A. But I'm going to stick to the things that I can  
16 remember.

17 Q. And those things that you remember and which  
18 you've testified previously, you're saying that if  
19 Mr. Garza was involved, that -- that he -- that you  
20 specified that he belittled you. Is that what you're  
21 saying?

22 A. What I'm trying to describe here today is the  
23 way that he made me feel. He made me feel incompetent  
24 by some of the things that he said in front of those  
25 individuals. And I couldn't figure out why are these

1 people even here. There were times I felt humiliated  
2 because he made me feel incompetent.

3 Q. Okay.

4 A. It was embarrassing.

5 Q. And so the -- it sounds to me then what you're  
6 saying is the belittling is the making you feel  
7 incompetent and the humiliation?

8 A. That's not everything.

9 Q. Those are the examples.

10 A. That -- those are the things that I felt  
11 strongly about.

12 Q. And all I'm saying is those are examples that  
13 you've given us --

14 A. Yes.

15 Q. -- today?

16 A. Those are examples.

17 Q. Okay. All right. You said that Mr. Garza did  
18 not address your complaints. What complaints were  
19 those?

20 A. I'm sure I had a lot of complaints, because  
21 there was a lot of issues going on at that branch.

22 Q. What were the complaints?

23 A. Can you narrow the question?

24 Q. Sure.

25 A. Do you have anything specifically?

1 Q. What were the complaints that you had that  
2 Mr. Garza did not address during the time you were the  
3 branch manager at the New Braunfels, Texas location?

4 A. Well, some of them I've already named off.  
5 Like the resources, that was the big -- one of the  
6 bigger issues, not having the resources.

7 I was also concerned about the census.  
8 That was one of -- I believe the first concerns I had,  
9 because the census was declining before I got there, and  
10 that knowledge is based on my communications with the  
11 staff. That was also based on my communication with Rae  
12 Cazares.

13 Q. What other complaints besides resources and the  
14 census?

15 A. Of course, there was complaints with EVV, the  
16 system not working properly. There was little  
17 communication between our branch and the San Antonio  
18 branch. And some of these complaints did go through  
19 Christina, but those specifically I do recall expressing  
20 to Mr. Garza, so Christina was then involved as far as  
21 me communicating with her.

22 Employees were committing fraud, the field  
23 employees that I complained about. There was also  
24 instances where the staff were being verbally abused by  
25 the San Antonio staff. Employees were cursed at in the



1 New Braunfels branch.

2 Now that I'm remembering, I also made a  
3 complaint to HR about -- I had a concern about one of  
4 the employees, and it was based on information that I  
5 received from employees at the branch, as well as things  
6 that I found strange that were completely disregarded.

7 Q. Do you remember the name of that employee?

8 A. Who I had concerns about?

9 Q. Yes.

10 A. Judy. I believe Judy Hernandez.

11 Q. Okay. What other complaints do you say that  
12 Mr. -- were not addressed by Mr. Garza?

13 A. Well, that one wouldn't be a direct complaint.  
14 I don't know if that was communicated with HR, but that  
15 was not a direct complaint to him.

16 We had a very high turnover, employee  
17 turnover with the field staff. There were also issues  
18 with staff in the office. I did have complaints about a  
19 previous employee, and he was frustrated by the same  
20 employee. Her name was Colleen Shelton.

21 I also complained about Norma Leal. She  
22 was very rude to clients as well as the office staff. I  
23 did -- because San Antonio hired a marketer, he made the  
24 decision to hire a marketer.

25 Q. Who made the decision?

1 A. Not a marketer. I'm sorry. This person worked  
2 on recruiting. And I did ask about the New Braunfels  
3 branch receiving a recruiter. There was no money in the  
4 budget for that. And it was later on when he did decide  
5 to hire a recruiter, it was around January.

6 Q. Of what year?

7 A. The same time I got fired. So it would have  
8 been 2017.

9 I cannot remember everything. There's  
10 probably some other things I complained about, but I  
11 don't remember everything.

12 Q. Okay. Well, we have a lot to go over. So tell  
13 me about the -- have you testified as to all of the  
14 complaints that you made regarding not having enough  
15 resources?

16 A. Yes, I have.

17 Q. All right. Tell me what complaints you made  
18 regarding the census. Who did you complain to, what was  
19 said, was it in writing, was it verbal, how often?

20 A. I do know it was Alan Garza. It was also  
21 Christina Hernandez. But the first person I spoke to  
22 about the census was Alan Garza.

23 Q. When did you speak with him about the census?

24 A. I don't remember. I do recall him coming to --  
25 to the office. And I think this was prior to him being

1 hired in this position.

2 Q. What was -- sorry.

3 A. And the reason I expressed that as a concern  
4 is because the employees who worked there shared that  
5 they noticed a drop in the census. Rae also had  
6 concerns about there being a decrease in the number of  
7 clients.

8 Q. And that's a major concern, of course, isn't  
9 it?

10 A. Me being the branch manager, that is a major  
11 concern because --

12 Q. That's your responsibility, maintaining the  
13 census and growing it; isn't that right?

14 A. That was Rae Cazares's responsibility, that is  
15 what she was hired for.

16 Q. So you have no accountability for any of the  
17 census issues?

18 MR. CAMMACK: Objection, form. Misquotes  
19 the deponent.

20 Q. (BY MR. GARZA) Are you saying that you had no  
21 responsibility in a relation to the census?

22 A. I was not given that responsibility. When I  
23 first started working alongside Rae, that was her  
24 responsibility. And according to Rae, Eileen McClary  
25 managed her before Alan took over. Because her and I

1 talked about this because she was so concerned about it.  
2 She informed me that Eileen McClary gave her a number of  
3 referrals as a target or as a goal per month. And that  
4 was five to seven clients per month. That's --  
5 according to Miss Cazares, that is the only goal that  
6 was established.

7 Q. If you look at the Deposition Exhibit No. 8,  
8 would you agree with me --

9 A. No. 8?

10 Q. Yes.

11 A. What page?

12 Q. Look at page 15.

13 A. Okay.

14 Q. Would you agree with me that the census and the  
15 maintaining of the census falls under 2I pertaining to  
16 managing the operations of the branch in accordance with  
17 established physical parameters?

18 A. Do you mind if I read that?

19 Q. Not at all.

20 A. And you said 2?

21 Q. "I."

22 A. "I."

23 I'm sorry, but I cannot agree with you.

24 Q. Why is that?

25 A. Because this says managed operations of the

1 branch in accordance with the established physical  
2 parameters.

3 I do not see in here where it talks about  
4 the census. When the census was discussed, that was in  
5 relation to the number of referrals that were received.  
6 So I don't see anything that says anything about the  
7 census or that it was my responsibility.

8 Q. And so just so I'm clear, you're saying that  
9 maintaining and growing the patient clients that the New  
10 Braunfels branch had was not your responsibility in any  
11 way? Is that what you're saying?

12 A. I was never told that me going out to market  
13 and recruit -- I don't like to use the word "recruit" --  
14 but to do outreach or marketing to increase the number  
15 of referrals, that was never communicated to me.

16 Q. And so --

17 A. That was Rae's responsibility.

18 Q. Well --

19 A. That is why she was hired.

20 Q. What responsibility did you have as manager of  
21 the New Braunfels branch to maintain and/or increase the  
22 census of patients of the branch?

23 A. I would have to say my responsibility as a  
24 branch manager was to work with Rae, to find out if Rae  
25 was having any challenges meeting whatever her target

1 was, the five to seven clients per month. If she was  
2 encountering issues, as the manager, it was my  
3 responsibility to work with her.

4 And that was her expertise. That's why  
5 she was hired. She had worked in that field for quite  
6 some time. She was actually trained by Martha  
7 Henderson, who was the marketer at the San Antonio  
8 branch.

9 So I think, as the branch manager, and all  
10 that was going on at that particular branch, my job was  
11 to ensure that we had the field workers to facilitate  
12 that. I mean, if we don't have provider assistant  
13 workers to take care of those clients that she was  
14 referring to the branch, I mean, I don't see how you can  
15 maintain that if you don't have the workers.

16 So what we experience is she was making  
17 referrals. A lot of times, she exceeded the number that  
18 she was given by Eileen McClary. But because we were  
19 having such a high turnover, there was no way we were  
20 going to be able to keep those -- to be able to take  
21 care of those clients that she was bringing in for the  
22 branch.

23 Q. And so as far as the turnover is concerned,  
24 that was your responsibility too, right?

25 A. That was everyone who was involved with

1 managing the branch.

2 Q. But you're the top of that food chain, you're  
3 the manager. And so making sure that the turnover is  
4 low or making sure you have enough qualified personnel  
5 to maintain appropriate staffing levels, that's your  
6 responsibility?

7 A. What my responsibility was, when Rae complained  
8 about us not having workers, I presented a proposal.  
9 That was part of me addressing what her concern was, as  
10 well as the other employees' concerns were. And that  
11 was rejected by Alan Garza on more than one occasion.

12 MR. GARZA: Objection, nonresponsive.

13 Would you read my question, please.

14 (Requested testimony read back by the  
15 court reporter.)

16 A. That was not solely my responsibility.

17 Q. (BY MR. GARZA) But that is one of your  
18 responsibilities in your job description, right?

19 A. There was a person there hired to do  
20 recruiting.

21 MR. GARZA: Objection, nonresponsive.

22 Q. (BY MR. GARZA) Did you understand my question?

23 A. Rephrase your question. If you can give me a  
24 specific --

25 MR. GARZA: Would you please read my

1 question?

2 A. -- example?

3 (Requested testimony read back by the  
4 court reporter.)

5 A. I'll have to read the job description again.

6 Q. (BY MR. GARZA) Let me help you. Essential  
7 functions. It's on page 15, number 1d. Tell me if I'm  
8 reading this correctly. And this is part of your job.  
9 "Recruits, employs and retains qualified personnel to  
10 maintain appropriate staffing levels. Conducts timely  
11 evaluations of staff."

12 Did I read that correctly?

13 A. You did read that correctly.

14 Q. Good. Okay.

15 A. But I'm not agreeing to you saying that that's  
16 my responsibility. What I feel like this is in relation  
17 to -- because I did not hire field staff. That was an  
18 administrative assistant who was hired to do that. I  
19 oversaw that position, but that -- someone was  
20 specifically hired to do that.

21 Q. So it was somebody else's job to do number 1D  
22 of the branch manager job description. Is that what  
23 your testimony is?

24 A. I hired -- I recruited the administrative  
25 staff. There was one situation where that -- there was



1 a person -- there was no person in that particular role  
2 to recruit field staff, because that's what we're  
3 talking about, field staff.

4 Q. I didn't say field staff.

5 A. Well, that's what I'm talking about. When you  
6 talk about recruiting, it being my job to hire field  
7 staff, what I'm trying to indicate to you is that there  
8 was someone hired to recruit the field staff. And that  
9 was Colleen Shelton initially.

10 Q. And you were her boss, right?

11 A. Colleen Shelton?

12 Q. Yes.

13 A. Not in the beginning.

14 Q. You were her boss?

15 A. But when I took over effective July of 2015,  
16 yes.

17 Q. Okay. That's why -- do you agree with me that  
18 is why your job description under item 1D says that you  
19 are responsible and your essential function is to  
20 recruit, employ, retain qualified personnel?

21 A. But that's a -- to me, that's a generalization.  
22 So if you can be more specific. Because the high  
23 turnover is the field staff, and that's directly related  
24 to the census.

25 Q. And that is your responsibility. Isn't that

1 right?

2 MR. CAMMACK: Objection, form.

3 Q. (BY MR. GARZA) Per your job description.

4 A. To hire field staff? Is that what you --

5 Q. Yeah. Under 1D.

6 A. All I can say is someone was hired to do that.

7 MR. GARZA: Objection, nonresponsive.

8 Q. (BY MR. GARZA) Did you understood my question?

9 A. Can you repeat? Can you rephrase the question?  
10 I don't want you to repeat it. If you can rephrase your  
11 question and be more specific.

12 MR. GARZA: Would you please read the  
13 question.

14 (Requested testimony read back by the  
15 court reporter.)

16 A. There were field staff, there were  
17 administrative staff, there were even R.N.s that worked  
18 at that branch. So that's why it's very difficult for  
19 me to agree to your statement, because I wouldn't have  
20 hired an R.N. staff. Because I'm not qualified to do  
21 so. I can assist Christina, who is qualified.

22 Q. (BY MR. GARZA) But the others, you are  
23 qualified to hire, right?

24 A. The administrative staff as well as --

25 Q. Field staff.

1 A. -- the field staff.

2 Q. Okay.

3 MR. GARZA: What number are we on?

4 THE COURT REPORTER: 12.

5 (Exhibit 12 marked.)

6 Q. (BY MR. GARZA) I'm going to hand to you what's  
7 been marked as Deposition Exhibit No. 12. And this is  
8 your performance appraisal for -- well, dated April 8,  
9 2016. Have you seen this document before? You signed  
10 it, right?

11 A. Yes.

12 Q. Okay. And you see right above that supervisor  
13 and appraiser comments?

14 A. Yes.

15 Q. Is there anything in here -- why don't you take  
16 a look at this. Is there anything in here that  
17 references the census?

18 A. I do see on number six where it says increase  
19 the census.

20 Q. All right. And so that was a goal for you to  
21 achieve was to increase the census, correct?

22 A. That was not my responsibility. Rae was hired  
23 to bring in clients. That was her job.

24 Q. And you had no responsibility for that to  
25 increase the census, is that what you're saying?

1 A. That was Rae's job.

2 Q. So you're -- is that a yes?

3 A. He did put that as a goal.

4 Q. Yes.

5 A. So he wanted me to spend time out in the field  
6 with Rae, which I did.

7 Q. With the goal of increasing the census, right?

8 A. It says here spend time out on the field with  
9 Rae to ensure that we are well-known out in the  
10 community.

11 Q. And number six does that have any of that, all  
12 it says is increase the census?

13 A. That was not --

14 Q. Did I read that correctly?

15 A. -- my job.

16 Q. Did I read that correctly?

17 A. You did read that correctly, but I do not agree  
18 with you. That was not my job. That was Rae's  
19 responsibility. Alan Garza supervised Rae, he wasn't  
20 punished. He didn't have any recommendations for  
21 increasing the census. And she requested to meet with  
22 him on multiple occasions, and he refused to do so.

23 Q. He refused to meet with Rae Cazares?

24 A. Yes. Rae wanted to meet with him --

25 Q. And how do you know that?

1 A. -- I do believe. Because we discussed it. I  
2 requested, I believe, twice for her.

3 Q. When did you talk to Mr. Garza about that?

4 A. I have no idea when I talked to him, but I do  
5 know it was a phone conversation. I do recall it being  
6 a face-to-face conversation. And specifically the time  
7 he met -- the time he was there, and I referenced this  
8 earlier, where Sylvia was included in that meeting. So  
9 that was a face-to-face request on her behalf.

10 Q. And you're saying he never met with Rae  
11 Cazares?

12 A. To my knowledge, he and Rae never had a  
13 one-on-one meeting to discuss the census.

14 Q. Okay. Is that what you had asked him to meet  
15 with her about, the census?

16 A. I expressed to him that Rae had concerns about  
17 the census because she was frustrated that she was  
18 bringing all these people in and those people weren't  
19 able to be seen. We were losing clients because of that  
20 reason. And he didn't meet with her. But he did tell  
21 her that he was going to include her in a marketing  
22 meeting that took place --

23 Q. How did --

24 A. -- with the owner.

25 Q. How do you know that he did not meet with her?

1 A. Rae communicated this to me. She was very  
2 frustrated by his -- her -- by him dismissing her  
3 request. So as far as I know, based on the things that  
4 she told me, he did not communicate -- he did not meet  
5 with her about the census.

6 (Exhibit 13 marked.)

7 Q. (BY MR. GARZA) I'll hand to you what's been  
8 marked as Deposition Exhibit No. 13. Have you seen that  
9 document before?

10 A. I do recall this.

11 MR. CAMMACK: Did you say 15?

12 MR. GARZA: Thirteen.

13 Q. (BY MR. GARZA) If you would look on page 387.

14 A. Uh-huh.

15 Q. And this was filled out by you, right?

16 A. I would have to read this.

17 Q. Go ahead, please. Read the whole thing.

18 A. Okay. And what is your question?

19 Q. Look under -- you filled out this document.  
20 Isn't that right?

21 A. As far as I can remember. I don't see a  
22 signature or anything, but --

23 Q. Well, you --

24 A. -- as far as I remember, based on this.

25 Q. Part of the process is to fill out the

1 self-assessment?

2 A. Yes.

3 Q. And that's what this is, correct?

4 A. Yes.

5 Q. Okay. If you look under 3, the title is  
6 Organizational Goals.

7 A. Uh-huh.

8 Q. Item number 2 says, "Increase census count by  
9 30-50 clients by April 1, 2017."

10 A. Okay.

11 Q. You put that in there; isn't that right?

12 A. That's what it says.

13 Q. Okay. So you at least acknowledged that one of  
14 the goals that you had was to increase the census,  
15 right?

16 A. It was my goal to assist Rae in increasing the  
17 census.

18 Q. You as the manager would benefit greatly if the  
19 census increased; isn't that right?

20 A. Alan would have benefited greatly because Rae  
21 was -- Rae -- he managed Rae.

22 Q. It's your branch.

23 A. It was also his branch.

24 Q. So you acknowledge that that is one of the  
25 things that you were responsible for, which was

1 increasing the census in this self-assessment?

2 A. No, I do not agree to that.

3 Q. Okay.

4 A. I wrote this, but it was a goal to help Rae.  
5 And I felt like the way I was able -- I could help her  
6 was to work with upper management to address the  
7 recruiting issues.

8 Q. And you would agree with me that this  
9 self-assessment, what you're referring to, does not --  
10 does not reference Rae Cazares in any way regarding  
11 increasing the census. Isn't that right?

12 A. It does not reference her. But that was a goal  
13 of mine to work in conjunction with her.

14 MR. CAMMACK: Can we take a quick break?

15 MR. GARZA: Sure.

16 (At 2:58 p.m. the proceedings recessed,  
17 continuing at 3:19 p.m..)

18 Q. (BY MR. GARZA) So we were talking about the  
19 complaints that had not been addressed, and we spoke  
20 about the census. I think you've already testified  
21 regarding the employee visit verification; is that  
22 right?

23 A. Yes.

24 Q. EVV. Is there any other conversations you had  
25 about the EVV with either Mr. Garza or anybody else?



1 A. Other than the fact that it was a complete mess  
2 and it took a very long time to address the issues that  
3 were going on with that system.

4 Q. But you've already testified about all the  
5 comments that you made in the meetings, right?

6 A. From what I can remember.

7 Q. Okay. Okay. Just trying to get through these  
8 topic.

9 You said that there were very little  
10 communication between San Antonio and New Braunfels.  
11 Now, New Braunfels was a branch. Was that under the  
12 same umbrella of the San Antonio office?

13 A. I would imagine because I do recall receiving a  
14 licensure. And when they -- because I guess they have  
15 to renew every so often. And I think that license was  
16 the same as the San Antonio branch.

17 Q. Okay. And you said that you complained that  
18 there was little communication between San Antonio and  
19 New Braunfels. What do you -- what did you mean by  
20 that?

21 A. Again, going back to expectations, the EVV  
22 primarily, there was just lack of miss -- lack of  
23 communication.

24 Q. And you specifically mentioned the EVV. Is  
25 there any other examples of the lack of communication

1 between New Braunfels and the San Antonio office?

2 A. I'm sure there were other instances. But  
3 again, a lot of time has passed and I cannot remember  
4 everything.

5 Q. Do you remember anything about other than what  
6 you've already testified about concerning that lack of  
7 communication?

8 A. Again, I would have to relate it back to -- I  
9 can't recall everything. But Alan was aware that there  
10 was a lack of communication between both branches and --  
11 because information wasn't shared with the New Braunfels  
12 branch.

13 Q. And so when you make that kind of statement, I  
14 understand that you're saying Mr. Garza was aware. But  
15 I'm trying to figure out what was the lack of  
16 communication? What did it concern? Because that's  
17 what we're having to deal with. We're having to --  
18 you're going to have to testify at some point regarding  
19 what that --

20 A. Uh-huh.

21 Q. -- what the topic or what the substance of  
22 that -- of the issues were. You said lack of  
23 communication --

24 A. The census --

25 Q. And my question is: About what?

1 A. The census. There were no specific goals.  
2 Even though it was not my responsibility to bring in  
3 clients, Rae did not have any goals other than she  
4 was -- other than the goals that she was given from her  
5 previous boss.

6 Q. Okay. Other than the census?

7 A. Other than the census, again, changes with EVV.  
8 And I've talked about that.

9 Q. Right. Anything else?

10 A. There may have been discussions revolving --  
11 involving the -- let me get my thoughts together.  
12 Involving the other issue, which was the recruiting of  
13 the field clients.

14 Q. Recruiting of the field clients?

15 A. I mean, the field -- I'm sorry. The field  
16 staff. That's what I meant to say.

17 Q. So there was a lack of communication regarding  
18 field staff?

19 A. Yes.

20 Q. Have you already testified as to all the facts  
21 on which you make -- make -- which you base your  
22 statement that there was a lack of communication  
23 regarding field staff?

24 I think I need to rephrase that.

25 Have you now testified to all the facts on

1 which you base your allegation that you complained to  
2 Mr. Garza about the lack of communication regarding  
3 recruiting of field staff?

4 A. I'm not going to say that was everything.  
5 Again --

6 Q. Other than what you've already testified, is  
7 there anything new you want to add at this point?

8 A. That's all I can remember.

9 Q. Okay. You also stated that you complained to  
10 Mr. Garza about employees committing fraud. What do you  
11 mean by that? Explain what you mean by that.

12 A. Employees who -- because they were on time  
13 sheets at one point. And I would have clients who would  
14 call upset because those employees weren't present, but  
15 they claimed that time on their time sheet. And after  
16 talking with the client and verifying time sheets, those  
17 individuals had committed fraud. And I had mentioned  
18 that to Christina as well as Alan Garza.

19 Q. And so did you identify those individuals who  
20 had, you say, committed fraud?

21 A. I'm pretty sure at some point. But  
22 specifically I don't remember that.

23 Q. And did you -- did you identify those  
24 individuals in an e-mail communication to Mr. Garza or  
25 Miss Hernandez?

1 A. I don't remember. But I do recall having  
2 conversations regarding employees abusing the time  
3 sheets. And again, I can't recall if that was  
4 face-to-face or via e-mail.

5 Q. Okay. And did you -- did you have any  
6 suggestions as to how that could be reduced or  
7 eliminated?

8 A. One of the suggestions was to write those  
9 individuals up. As we discover people who are  
10 violating -- because, I mean, it's against the law. So  
11 I did propose a recommendation to take progressive  
12 measures to write those individuals up. Even verbal  
13 warnings all the way up through termination, if that's  
14 what it took.

15 Q. And Mr. Garza agreed to that. Isn't that  
16 right?

17 A. I would not say. I don't recall him agreeing  
18 to it.

19 Q. Okay. And so -- but you think that that would  
20 be an appropriate thing to do, would be to write people  
21 up for -- for misrepresenting what it is that they  
22 actually did or did not do?

23 A. I do believe that is appropriate to take  
24 progressive discipline --

25 Q. Okay.

1 A. -- related to fraud.

2 Q. Was there any time when the purpose of the  
3 tokens, the EVV tokens, was to eliminate the need for  
4 time sheets?

5 A. That was the overall goal of that system being  
6 implemented. But I -- as far as I can remember, we were  
7 still using time sheets in conjunction with the EVV  
8 system.

9 Q. And in conjunction in order to fill gaps.  
10 Isn't that right?

11 A. Yes.

12 Q. Okay. And it was not the -- the primary method  
13 by which time sheets were kept or the visits were kept,  
14 the EVV system was the primary system. Isn't that  
15 right?

16 A. The EVV system, that was the goal of the State  
17 to eliminate paper time sheets.

18 Q. Yes. That's exactly right. And it was for  
19 purposes of verification of when the employee was there.  
20 Isn't that right?

21 A. Correct.

22 Q. Okay. And that's what The Med Team was working  
23 towards? That's what their goal was too. Isn't that  
24 right?

25 A. That's what our goal was, to eventually

1 eliminate the paper time sheets.

2 Q. Okay. From what you can remember, were there  
3 any other communications between you and Mr. Garza or  
4 Miss Christina Hernandez regarding your allegations that  
5 there were employees who were committing fraud other  
6 than what you've already testified to?

7 A. Were there any other situations?

8 Q. Any other communications.

9 A. Regarding the fraud?

10 Q. Yes.

11 A. Do you have a document that you can show me?

12 Q. No, ma'am. I'm asking you from what you can  
13 recall.

14 A. From what I recall, that's the only thing that  
15 I can remember at this time.

16 Q. Okay. You also said that you complained  
17 that -- you complained to Mr. Garza that the New  
18 Braunfels staff was being verbally abused by the San  
19 Antonio staff.

20 A. Yes.

21 Q. Who specifically was -- of the San Antonio  
22 staff verbally abused any of the New Braunfels staff?

23 A. I can't remember names.

24 Q. Do you remember specific situations?

25 A. I do recall one situation where I was in San

1 Antonio, and I don't remember what for. But I do recall  
2 Judy Hernandez being upset because of one of the  
3 employees that -- there were two occasions. There was  
4 an issue with the person in payroll, and there was an  
5 issue with the recruiter from San Antonio.

6 So the situation with the recruiter from  
7 San Antonio, from what I can remember, Judy Hernandez  
8 and some of the other employees, but I remember her  
9 specifically because she was crying and upset. And she  
10 said that this individual talked down to her.

11 Q. Who --

12 A. And I don't know what was said because I was  
13 not there.

14 Q. Who was the individual?

15 A. I cannot remember her name.

16 Q. Okay.

17 A. I don't remember her name.

18 And I did address that with Christina, who  
19 I believe informed Alan. But at some point, Alan was  
20 involved on a communication, as far as I can remember.  
21 I do recall an e-mail. And according to Christina, he  
22 basically made the statement, and it's not an exact one,  
23 but from what I recall, he made a comment that made it  
24 okay what happened.

25 Q. What was the comment?



1 A. I don't really recall the comment exactly, but  
2 it was a comment in relation to the employees. They  
3 should be able to take criticisms.

4 Q. Well --

5 A. Something to that effect.

6 Q. So did Miss Hernandez tell you that this  
7 recruiter cursed at her?

8 A. I'm sorry. Repeat that.

9 Q. Did Miss Hernandez, Judy Hernandez, tell you  
10 that that this recruiter cursed at her?

11 A. Not in this instance, no.

12 Q. Did Miss Judy Hernandez tell you the specific  
13 statements that was made by this recruiter?

14 A. I'm sure she did, but I don't remember.

15 Q. Okay. And so what I'm trying to figure out is  
16 what led you to believe that it was something that was  
17 inappropriate?

18 A. She was crying and upset, and other people  
19 witnessed this.

20 Q. And anybody could be upset by any kind of  
21 comment. Isn't that right?

22 MR. CAMMACK: Objection, form.  
23 Speculation.

24 Q. (BY MR. GARZA) So here is my question: Am I  
25 correct in saying you don't know what the comment was

1 that was made by the recruiter to Judy Hernandez --

2 MR. CAMMACK: Objection, form.

3 Q. (BY MR. GARZA) -- that she says --

4 MR. CAMMACK: Asked and answered.

5 Q. (BY MR. GARZA) -- that she says upset her?

6 A. Repeat your question.

7 Q. Sure. You do not know what the comment was  
8 that this recruiter allegedly said to Judy Hernandez  
9 that caused Judy Hernandez to be upset?

10 MR. CAMMACK: Same objection.

11 Q. (BY MR. GARZA) Right?

12 MR. CAMMACK: Asked and answered.

13 A. Now I don't know. I do not remember because  
14 that happened a while ago.

15 Q. (BY MR. GARZA) Okay.

16 A. Time has passed.

17 Q. Let's talk about the payroll person. First of  
18 all, what was that person's name?

19 A. I don't remember her name.

20 Q. All right. Tell me what Judy Hernandez said  
21 that this payroll person did.

22 A. She did express to me that this person cursed  
23 at her.

24 Q. What was the statement made by this payroll  
25 person to Judy Hernandez?

1 A. I do not recall. That -- Judy was not only  
2 person who informed me that she was verbally abused.

3 Q. Who were the others that informed you that they  
4 were similarly verbally abused?

5 A. Rae Cazares.

6 Q. Who else?

7 A. As it relates to the cursing, I don't recall  
8 anyone.

9 Q. Well, let's broaden it up then because if  
10 it's -- if it incorporates more than just this payroll  
11 person or the recruiter or cursing, I want to be clear  
12 that you're saying that you complained about this to  
13 Alan Garza --

14 A. As well as Christina Garza.

15 Q. As well as Christina Hernandez?

16 A. I meant Christina Hernandez. Yes, you're  
17 right. I'm sorry.

18 Q. So then let's stick first right now with this  
19 payroll individual and interaction with Judy Hernandez.  
20 Do you recall the curse words used?

21 A. A lot of time has passed. I do not remember.

22 Q. Okay. Did Miss Hernandez put that complaint to  
23 you in writing?

24 A. I don't remember.

25 Q. Okay. Did you advise Miss Hernandez on next

1 steps as to what she should do?

2 A. Well, I did, like I always would tell the staff  
3 to -- any complaints like that, that should happen in  
4 the future, let me know and I'll address it with  
5 management.

6 Q. And what did you do to address that with  
7 management?

8 A. I talked to Christina and Alan Garza.

9 Q. Did you talk to human resources?

10 A. About the verbal abuse?

11 Q. Yes.

12 A. I was following the chain of command. So I do  
13 not recall discussing this specifically with HR, but I  
14 did discuss it with Christina Hernandez and Alan Garza.

15 Q. And you're saying that you were not satisfied  
16 with the response. Am I -- isn't that correct?

17 A. What was his response?

18 Q. I don't know. You tell me.

19 A. His response on one of the issues was what I  
20 mentioned before.

21 Q. Were you satisfied with that response?

22 A. Was I satisfied with the response? What do you  
23 mean?

24 Q. Well, did it resolve the issue?

25 A. Nothing happened. The issue wasn't addressed.

1 Q. So then why didn't you go to human resources?

2 A. Because I was afraid that when I made  
3 complaints like that, I have fear that I would lose my  
4 job.

5 Q. Who was the human resources -- corporate human  
6 resources at the time?

7 A. I don't recall.

8 Q. Okay. Who was the local human resources?

9 A. I do know Fran Gonzales. I don't remember  
10 the -- well, Heather Sigmund, she was another person.  
11 And there was another person, but I can't remember her  
12 name.

13 Q. You acknowledge that you could have gone to  
14 corporate human resources about it, right?

15 A. I could have, but I still feared that I would  
16 lose my job.

17 Q. And so tell me about all other complaints other  
18 than this payroll individual and the recruiter position.  
19 The recruiter person who you say verbally abused Judy  
20 Hernandez, were there any other situations similar to  
21 that that you complained of to either Alan Garza or  
22 Christina Hernandez.

23 A. Well, I mean, staff did have complaints about  
24 the way they were talked to. Again, I do not remember  
25 specifics other than the ones I mentioned.

1 Q. But did you talk to Mr. Garza or Miss Hernandez  
2 about those other complaints?

3 A. I'm sure I did.

4 Q. Okay. Tell me what was said during those  
5 conversations.

6 A. That happened months go. I do not remember.  
7 The specifics that I do recall, that is what I gave you.  
8 I cannot recall other instances. I do know that there  
9 were complaints that was made.

10 Q. And the only one that you specifically remember  
11 is Judy Hernandez?

12 A. Other employees made -- like I said, Rae  
13 Cazares made a complaint.

14 Q. So tell me about that one.

15 A. I think I shared that with you, that she  
16 mentioned to me that she was cussed by one of the San  
17 Antonio employees.

18 Q. Who was it?

19 A. What do you mean, who was it?

20 Q. Who cussed her?

21 A. I can't remember that.

22 MR. CAMMACK: Objection, form. Asked and  
23 answered.

24 It's almost every question you ask her,  
25 you've already asked her.

1 MR. GARZA: I don't seem to remember it.  
2 Maybe I'm just not remembering.

3 MR. CAMMACK: Okay.

4 Q. (BY MR. GARZA) What was -- what was the cuss  
5 word?

6 MR. CAMMACK: Objection, form. Asked and  
7 answered.

8 A. I don't remember.

9 Q. (BY MR. GARZA) You don't remember? Okay.

10 You also said that you made a complaint to  
11 human resources regarding Judy Hernandez.

12 A. Yes.

13 Q. What was the complaint that you made about Judy  
14 Hernandez?

15 A. Employees had concerns about her behavior. She  
16 was forgetting a lot of things. There was some behavior  
17 that they monitored. And they came to me out of concern  
18 because they felt like she may have been under the  
19 influence, and I don't know if they were referring to  
20 alcohol or drugs.

21 When that complaint was made, I -- I  
22 didn't want to go by what they shared with me. I  
23 started to pay close attention to some of the things  
24 that they mentioned. I did notice that there were some  
25 mistakes that she made in her work. I did notice the

1 behavior. I would watch her go to her vehicle. I would  
2 see another vehicle pull up. And there was some sort of  
3 exchange. I could not see what was being taken from her  
4 car and what the other person would give her. And that  
5 happened a few times.

6 And I talked to Christina about it. I  
7 don't know -- I don't recall sharing it with Alan Garza,  
8 but I did talk to Christina about it. And I also talked  
9 to HR about it.

10 Q. Who in HR did you talk to about it?

11 A. Heather Sigmund.

12 Q. All right. And so what -- did you just  
13 verbally inform these individuals or did you put it in  
14 writing?

15 A. I think Christina. And I may have had a phone  
16 conversation. I don't know if it was in person or if it  
17 was over the phone. It could have been sent via e-mail.  
18 Again, a lot of time has passed. I don't remember the  
19 exact form of communication, but I do recall  
20 communicating this.

21 I do recall having a conversation, a brief  
22 conversation with Heather over the phone, but it was  
23 brief because Judy was in the next office and the walls  
24 were thin. So Heather and I planned to call so I can  
25 walk away from my office. And, you know, I just told



1 her about the complaint the employees made, some of the  
2 things I had observed. And for me, it wasn't to get her  
3 in any trouble. If she was dealing with something,  
4 because I know her husband passed away and that was  
5 something she was struggling with. My goal as the  
6 manager was to try to get her some help. Again, it was  
7 outside of my control whatever HR decided.

8 Q. What did HR decide?

9 A. Nothing was done, that complaint. And I don't  
10 know -- I think I do recall Heather saying she was going  
11 to talk to Linda Harvey about it, but nothing was  
12 ever -- the issue was never addressed.

13 Q. So she continued her employment?

14 A. She continued her employment.

15 Q. Is she still working with the company today?

16 A. No. She left, I believe, before I left, from  
17 what I can remember.

18 Q. Did you have any other involvement in that Judy  
19 Hernandez incident or issue?

20 A. No. I just -- I was waiting because I was  
21 supposed to get some follow-up from HR, and it was  
22 completely disregarded.

23 Q. And so did you have any specific conversations  
24 with maybe Linda Harvey regarding that issue?

25 A. I don't ever recall Linda Harvey. I don't

1 recall a discussion with her regarding that issue. I  
2 allowed Heather to do her job.

3 Q. All right. Then you also said that you made  
4 complaints to Mr. Garza regarding the high turnover in  
5 New Braunfels; is that right?

6 A. Yes. We've had quite a few conversations.

7 Q. Exchanged e-mails about it too?

8 A. As far as I can remember, yes.

9 Q. Okay. And so what were you asking Mr. Garza  
10 for in relation to this high turnover issue?

11 A. What was I asking him for? What do you mean  
12 specifically?

13 Q. How did you want him to resolve the issue or to  
14 assist you in resolving the issue?

15 A. The reason I addressed those issues with the  
16 high turnover, because it was a problem. It was hard to  
17 operate as a branch with a high turnover. The high  
18 turnover, that's something that, based on feedback from  
19 the employers, that was always an issue.

20 And the issue that I was trying to address  
21 was in relation to the census. If we could -- I felt  
22 like as a manager if we could somehow through an  
23 employee recognition or -- I forget what my other  
24 recommendation was. It was employee incentive and  
25 employee recognition program. I felt like that would

1 make the field staff content. I mean, the pay was  
2 extremely low. I think when I started, the pay was  
3 below \$8.

4 So I wanted -- and it's really not what I  
5 wanted. It was just recommendations that I proposed to  
6 address the high turnover with the field staff. Because  
7 if we could address that issue, we could -- that would  
8 assist with the census.

9 Q. How does that tie together the field staff and  
10 the census?

11 A. If you don't have employees to make these home  
12 visits, the clients left because of the staffing issues,  
13 they left because of numerous issues. But that is a  
14 direct relation to the census. If we don't have field  
15 staff, regardless of how many people Rae brought in, we  
16 weren't going to be able to keep the census growing.

17 Q. Have you now testified as to all of the  
18 complaints that you made to Mr. Garza or to Christina  
19 Hernandez regarding the high turnover in the New  
20 Braunfels office?

21 A. I'm sorry. Repeat that question.

22 MR. GARZA: Read that back.

23 (Requested testimony read back by the  
24 court reporter.)

25 A. And this is only related to the high

1 turnover --

2 Q. (BY MR. GARZA) That's right.

3 A. -- is that correct?

4 Q. That's right.

5 A. As far as I can remember -- give me just a  
6 minute.

7 THE WITNESS: Read that one more time.

8 (Requested testimony read back by the  
9 court reporter.)

10 THE WITNESS: I do apologize. If you  
11 could read that one more time.

12 (Requested testimony read back by the  
13 court reporter.)

14 A. And we're talking about the field staff; is  
15 that correct?

16 Q. (BY MR. GARZA) Any aspect of turnover that  
17 affected the New Braunfels office.

18 A. I would have to say no, because there were  
19 other issues.

20 Q. And tell me what issues you complained of  
21 regarding the turnover in the New Braunfels branch to  
22 Miss Hernandez or Mr. Garza.

23 A. Because we also had administrative turnovers.

24 Q. So when did you -- when did you complain to  
25 Mr. Garza and/or Miss Hernandez regarding the high

1 turnover of administrative employees in the New  
2 Braunfels branch?

3 A. I don't remember when, but that was  
4 discussed --

5 Q. When was it discussed?

6 A. -- on more than one occasion with Alan Garza as  
7 well as Christina, because one of the -- he was aware --  
8 he was aware of what was going on at the branch.

9 Now, when that was discussed, I cannot say  
10 when. But I do recall he and I having some  
11 conversations about things that occurred, reasons why  
12 people either quit or -- of the people -- a couple of  
13 the people were terminated, that I can remember.

14 Q. Who else was present during those conversations  
15 that you had with Mr. Garza?

16 A. Regarding the administrator staff?

17 Q. Yes, ma'am.

18 A. I don't really remember if anyone was present  
19 specifically, but I do know we had those discussions.  
20 Christina was involved at some point. Christina wasn't  
21 hired on in the beginning, as far as I can remember.

22 Q. So did you put any of those complaints in  
23 writing?

24 A. About the administrative employee turnover?

25 Q. Yes.

1 A. I do recall either communicating by phone, it  
2 could have been an e-mail. Do you have an e-mail that  
3 you can show me?

4 Q. Not right now. That's why I'm asking you if  
5 you recall putting it in writing.

6 A. If you have something you can show me, maybe  
7 that will help jog my memory.

8 Q. So at we sit here --

9 A. I do know --

10 Q. -- you do not recall?

11 A. As I can recall, there were communications.  
12 Now, whether that was an e-mail or whether it was a  
13 phone conversation, it was discussed. But if you have  
14 some type of documentation, that may help refresh my  
15 memory.

16 Q. Okay. So is there any -- who were the  
17 individuals that you said were terminated, the  
18 administrative employees that were terminated?

19 A. Colleen Shelton.

20 Q. And who else?

21 A. There was another young lady, but I can't  
22 remember her name.

23 Q. Norma Leal?

24 A. Norma Leal, she wasn't terminated.

25 Q. Okay. So then Colleen Shelton and one other

1 individual. What -- why was Collen Shelton terminated?

2 A. Well, that decision was made --

3 Q. Do you know why she was terminated?

4 A. There were some issues between her and Alan.

5 There was also issues with her, as far as I can  
6 remember, she was disengaged when I took over. So there  
7 was some resistance there. But Alan made the initial  
8 recommendation for her to be terminated.

9 Q. What were the reasons for termination?

10 A. I don't quite recall. I mean, that --

11 Q. And that was my initial question. Do you know  
12 what the reason for her termination was?

13 A. I don't really recall.

14 Q. Okay.

15 A. Like I said, there were a number of issues that  
16 came up.

17 Q. Okay. So you don't recall the specifics?

18 A. I don't recall the specifics, but I know there  
19 were issues.

20 Q. And you don't recall the name of the other  
21 administrative employee in the New Braunfels office who  
22 was terminated, right?

23 A. No. I do not recall her name.

24 Q. Okay. And what position did that person work  
25 in?

1 A. She was a supervisor, provider assistant  
2 supervisor.

3 Q. PAS supervisor?

4 A. Yes.

5 Q. Was that Anna Fell or Ann Fell?

6 A. No.

7 Q. No. Okay. All right. So what other  
8 administrative employees -- what other complaints  
9 regarding turnover of administrative employees did you  
10 make to Miss Hernandez or Mr. Garza other than what  
11 you've just testified about?

12 A. What other complaints did I have?

13 Q. About the turnover of administrative employees  
14 in the New Braunfels office.

15 A. I do recall pay being an issue. I wouldn't  
16 necessarily say it was a complaint for me, but there  
17 were -- there was an administrative assistant who was  
18 not satisfied with the pay.

19 Q. Who?

20 A. And she asked for a pay increase. And I do  
21 recall discussing that with Alan.

22 Q. What's the name of that administrative  
23 assistant?

24 A. I do not recall her name.

25 Q. How much was she asking for as far as an



1 increase is concerned?

2 A. I don't remember how much she was asking for,  
3 but I do recall that she wasn't content with what she  
4 agreed to. And I shared that with Alan Garza, and she  
5 eventually quit.

6 Q. Did you share it with him in writing or  
7 telephonically or verbally?

8 A. I think it was a couple of ways we  
9 communicated, because I remember it being --

10 Q. So it was either -- it was e-mail as well  
11 verbally?

12 A. It was through e-mail. And I do -- I do  
13 believe it was by phone.

14 Q. Okay. And was anyone else on that phone call  
15 or a part of that e-mail communication?

16 A. I'm really not certain if anyone else was on  
17 the phone call. I can't remember if there was.

18 Q. Okay.

19 A. But I do know he and I discussed this issue.

20 Q. Were there any other complaints about the  
21 turnover of the administrative staff in the New  
22 Braunfels office that you shared with Mr. Garza or  
23 Miss Hernandez, other than what you've already testified  
24 to?

25 A. Not that if -- not that I can recall, but

1 again --

2 Q. Okay.

3 A. -- if there's something you can show me that  
4 may help jog my memory.

5 Q. Let's move on to the next one. You said you  
6 complained about issues with the staff in the New  
7 Braunfels office. So when did you complain about that  
8 to Mr. Garza or Miss Hernandez?

9 A. I'm sorry. Repeat that.

10 Q. Yes. You said that you had made complaints  
11 regarding issues with the staff of the New Braunfels  
12 office.

13 A. With the staff?

14 Q. Yes. You had issues with the staff.

15 A. Oh, okay. I'm sorry.

16 Q. Yeah. So when did you complain about that to  
17 Mr. Garza and/or Miss Hernandez? And then I'm going to  
18 ask you --

19 A. Do you want to know the issues?

20 Q. I want to know when it happened.

21 A. Sir, I have no clue about when.

22 Q. Okay. So then --

23 A. I couldn't say that.

24 Q. -- what was the issue or issues?

25 A. One of the issues was about one person --

1 Q. Who was it?

2 A. -- in the office and very rude.

3 Q. That's Norma Leal?

4 A. Yes.

5 Q. What allegedly did she do?

6 A. She was just very rude. She would yell at  
7 clients as well as employees. There were --

8 Q. Did you relate this to Mr. Garza and  
9 Miss Hernandez or Miss Hernandez, in writing?

10 A. I don't recall in writing, but I do recall  
11 having a face-to-face conversation with Alan Garza in  
12 his office in the -- in San Antonio.

13 Q. So tell me what was said during that  
14 conversation.

15 A. I don't recall everything that was said, but I  
16 do recall expressing to him that she was rude. And it  
17 was an issue that needed to be addressed. And before I  
18 wrote her up, I wanted to address that with him and  
19 Christina.

20 Q. Okay. And so what was the response or what  
21 else do you remember about this conversation?

22 A. I don't really remember everything, like I  
23 said, about the conversation, but he did not -- I do not  
24 remember him opposing, because it sounds like he was  
25 aware that she was rude.

1 Q. Okay.

2 A. So he did not oppose me writing her up.

3 Q. And you did?

4 A. I was going to. I think I may have written her  
5 up or I had the paperwork prepared. But again, it was a  
6 situation that was going to happen.

7 Q. So when did this happen? Did this happen in  
8 2017 or 2016?

9 A. I don't remember.

10 Q. Was it shortly before you were terminated from  
11 employment?

12 A. No.

13 Q. So then I'm trying to figure out what prevented  
14 you from actually completing that task of writing her  
15 up?

16 A. Oh, she resigned. She just quit.

17 Q. And so what was the complaint regarding Colleen  
18 Shelton?

19 A. She was resistant.

20 Q. About what?

21 A. She was not happy about the workload.

22 Q. What was her position?

23 A. I don't really recall her position, title. But  
24 as far as I know, she was the -- like the lead. She  
25 acted as the lead, but I don't recall that being her job

1 description.

2 Q. And so what happened with her employment? Is  
3 she still employed there?

4 A. She was terminated.

5 Q. Okay. And who terminated her?

6 A. Alan Garza. And I don't know who else was  
7 involved in that decision. But he made the decision to  
8 terminate her and whoever he discussed it with. And he  
9 did call me to let me know that that was the decision  
10 that was made and wanted to see what I felt about it.

11 Q. And was that your recommendation to the  
12 terminator her?

13 A. I agreed. I -- that was not my recommendation.

14 Q. But you agreed that that was the -- that's what  
15 needed to be done?

16 A. I wouldn't say I said I agreed. I was just  
17 okay with it. I don't recall exactly what I said, but I  
18 didn't oppose it.

19 Q. Okay. Is there any other complaints about any  
20 of the staff or administrative staff in the New  
21 Braunfels office that you complained about to Mr. Garza  
22 or Miss Hernandez?

23 A. That office went through some turnover, so I'm  
24 just trying to remember. I don't recall anything else  
25 that comes --

1 Q. Okay.

2 A. -- to mind.

3 Q. All right. You also said that you made  
4 complaints to Mr. Garza that you were not being given a  
5 recruiter. First of all, when did you make that  
6 complaint?

7 A. About the recruiter?

8 Q. That you were not being given a recruiter.

9 A. When I learned that San Antonio had hired a  
10 recruiter.

11 Q. When was that?

12 A. I don't remember.

13 Q. My question was: When did you complain to  
14 Mr. Garza about New Braunfels not having a recruiter?  
15 When?

16 A. I don't remember.

17 Q. Okay.

18 A. But I do recall --

19 Q. So did you -- did you put that complaint in  
20 writing, or was it verbal?

21 A. I know it was verbal. But if it was in writing  
22 per se, I don't recall, but if you have a document --

23 Q. Did --

24 A. -- that --

25 Q. Did you include Miss Hernandez in either of

1 the -- the verbal or written complaints, if it was  
2 written? You just said you don't remember?

3 A. I don't remember, unless you can --

4 Q. Okay.

5 A. -- show me a document.

6 Q. And so what was the -- you said that San  
7 Antonio had a recruiter. Is that right?

8 A. Yes.

9 Q. What was the name of that recruiter?

10 A. I don't remember her name.

11 Q. All right. And so at some point, the recruiter  
12 was for purposes of doing what, to recruit staff or to  
13 recruit clients? Which one?

14 A. To recruit field staff.

15 Q. Okay. And was that recruiter also to assist  
16 New Braunfels in recruiting field staff?

17 A. That is what I was told.

18 Q. All right. And wasn't that Rae Cazares's job?

19 A. Rae was not hired as a recruiter.

20 Q. But I thought you said that she was -- she was  
21 to recruit?

22 A. Rae was a marketer.

23 Q. Okay. So she was focusing on the clients, and  
24 you wanted someone to be hired as a recruiter for New  
25 Braunfels to focus on hiring the field staff, the

1 employees, right?

2 A. Yes.

3 Q. Okay.

4 A. That was -- yes.

5 Q. You also said that there was a decision to hire  
6 a recruiter in January of 2017. Is that right?

7 A. That person was hired.

8 Q. Who was it?

9 A. I don't remember her name.

10 Q. Okay. Did you ever get a response from anyone,  
11 Mr. Garza or Miss Hernandez, about why -- regarding your  
12 complaint about New Braunfels not having its own  
13 recruiter?

14 A. I don't really remember. I don't recall  
15 receiving a response unless you have something that you  
16 can -- like a document. But what I was told is that the  
17 person for the San Antonio office was supposed to assist  
18 with recruiting for our office.

19 Q. And who told you that?

20 A. Alan Garza and Christina Hernandez.

21 Q. All right. That was the last complaint that  
22 you said you submitted to Mr. Garza that was not  
23 addressed. And so you also stated that Mr. Garza  
24 discriminated against you because -- by terminating your  
25 employment. Is that right?



1 A. Yes.

2 Q. In response to -- if you would look at  
3 Exhibit 11, interrogatory number four. I asked that you  
4 identify the defendant's employees who you allege  
5 terminated you based on complaints made by you of race  
6 discrimination, and you identified Alan Garza and  
7 Heather Sigmund. Is that right?

8 A. Alan Garza would be the person.

9 Q. Okay. And Heather Sigmund, what was her --

10 A. She was present.

11 Q. She was present?

12 A. Uh-huh.

13 Q. And where did the termination take place?

14 A. At the New Braunfels location.

15 Q. All right. Tell me what was said during that  
16 conversation.

17 A. It wasn't much -- a whole lot said, other than  
18 him saying that they came to talk to me because I wasn't  
19 performing. And he mentioned the census, and that is  
20 the reason he said I was being terminated.

21 Q. Is there anything else during that conversation  
22 by you, Miss Sigmund or Mr. Garza?

23 A. I didn't say -- I don't recall saying anything  
24 because I was shocked.

25 Q. All right. And so after your termination from

1 employment, what did you next do?

2 A. What do you mean?

3 Q. After you left the office, what did you do?

4 That office at which you were told that you were  
5 terminated from employment, did you go back to your  
6 desk, did you leave immediately? What did you do  
7 immediately after being told?

8 A. I left.

9 Q. Okay. Did you leave immediately without going  
10 to your desk or did you return to your desk?

11 A. We were in my office, so . . .

12 Q. So you gathered your things and left?

13 A. I gathered my -- it was a lamp, I do recall the  
14 lamp.

15 Q. Okay.

16 A. I don't recall anything else. And I left.

17 Q. All right. And did you have any conversations  
18 with anyone else or any former employees or current  
19 employees of The Medical Team after your termination  
20 from employment?

21 A. I did have discussions with Christina, some of  
22 the other employees there.

23 Q. Okay. Let's take them one by one. Who did you  
24 talk to? Christina. Let's start with Christina. And  
25 that's Christina Hernandez?

1 A. Christina Hernandez.

2 Q. Okay. So when did you first talk with her  
3 after your termination for employment?

4 A. I talked to her before and after, but the first  
5 time I talked to her after, there was a phone call.

6 Q. From whom?

7 A. I don't remember if I called her or she called  
8 me.

9 Q. What was said during the phone call?

10 A. She was upset because of what happened.

11 Q. How do you know she was upset?

12 A. Because she expressed it.

13 Q. What did she say?

14 A. She said that she was going to look for another  
15 job. She didn't feel like it was right, what they did.  
16 But I don't really remember the specifics of that  
17 particular conversation. It was more so the one before  
18 I was fired.

19 Q. So keep telling me about what the first  
20 conversation was after you were fired, other than what  
21 you've already testified to.

22 A. There was other communication, text message.

23 Q. With Miss Hernandez?

24 A. Yes.

25 Q. What were those text messages about?

1 A. She made a comment -- well, she text me. I  
2 think she asked me a question about my hair, did I have  
3 my hair done, and that Alan made a joke about my hair to  
4 her.

5 Q. What was the joke?

6 A. She didn't say what the joke was, but she said  
7 that Hyun told her about the joke. She said Alan didn't  
8 tell her because he didn't trust her.

9 Q. But you don't know what the joke was?

10 A. I don't know what the joke was, but it was --  
11 it was concerning my hair.

12 Q. Okay. And your hair is short today. Is this  
13 the way you wore your hair throughout the entire time  
14 that you were employed with The Medical Team?

15 A. No. I wore my hair in different styles.

16 Q. Okay.

17 A. But this particular day, my hair was in an  
18 afro.

19 Q. Uh-huh.

20 A. I had it pinned down at the top.

21 Q. Did you ever find out what the joke was?

22 A. I never found what the joke was, but it was a  
23 comment that was made that was offensive to me. It was  
24 insensitive. And I don't know if Alan knows about what  
25 black women have to deal with in the workplace. Me

1 wearing my hair in its natural state is part of my  
2 culture. I wanted to embrace that culture. Black women  
3 have been punished for wearing and embracing their  
4 natural hair. So that is a sensitive issue. Black  
5 women have been criticized.

6 So that was -- it was -- what he said, it  
7 was horrible. I felt like it was discriminatory.

8 Q. What did he say?

9 A. I do not know what he said.

10 Q. So then why was it offensive, if you don't know  
11 what he said?

12 A. Why would he make a comment about my hair?

13 Q. You don't know what the comment was, right?

14 A. I don't have to know what the comment was.

15 Q. Okay.

16 A. But there was no reason for him to make a  
17 comment about my hair.

18 Q. The bottom line is you don't know what the  
19 comment was, if -- and even if a comment was made;  
20 right? You're relying on somebody else to interpret  
21 what was done -- allegedly done by Mr. Garza, right?

22 A. I mean, I'm not relying on her, but she didn't  
23 see my hair. So she wouldn't have known about my hair  
24 being done that day.

25 Q. But she didn't -- but she didn't tell you about

1 the comment, so that's what I'm trying to figure out.

2 A. I don't think she has to say anything about the  
3 comment. I think it was insensitive. It was hurtful.  
4 And what did my hair have to do with me -- him  
5 terminating me?

6 Q. And so you're relying upon this statement by  
7 Christina Hernandez, and you're believing that  
8 statement --

9 A. Why would she lie --

10 Q. -- that Mr. Garza allegedly made a comment  
11 about your hair?

12 A. But why would she lie --

13 Q. I don't know. You tell me.

14 A. How would she know I had my hair done that day?  
15 How would she know that?

16 Q. How did she -- did she comment about how your  
17 hair was done that day?

18 A. She told me what -- the conversation between  
19 Alan and Hyun. It wasn't anything, according to her,  
20 that he said to her directly. This was a conversation  
21 that he and Hyun had. And Hyun told Christina about  
22 this joke or this comment that was made.

23 Q. So Hyun told Chris -- allegedly told Christina  
24 and Christina told you?

25 A. Told me. She actually --

1 Q. But at no time --

2 A. Go ahead.

3 Q. -- did Christina tell you what that alleged  
4 comment was?

5 A. It doesn't matter.

6 Q. Does it --

7 A. He said it.

8 Q. Okay.

9 A. And it hurt my feelings.

10 Q. So what did he say?

11 A. It was culturally insensitive. I am my hair.  
12 I'm a black woman.

13 Q. I understand that.

14 A. My hair is a part of me.

15 Q. What did he say?

16 A. He didn't say it to me, so I can't -- I can't  
17 tell you.

18 Q. Do you even know what he allegedly said?

19 A. I cannot -- he didn't say that to me.

20 Q. That's not my question. My question is: Do  
21 you know what he allegedly said.

22 MR. CAMMACK: Objection, form. Asked and  
23 answered.

24 Q. (BY MR. GARZA) If you know, you know, and if  
25 you don't know, you don't know.

1 A. I'm telling you this is what was told to me by  
2 Christina Hernandez.

3 Q. And so what was the comment allegedly that was  
4 made by Mr. Garza to Hyun?

5 MR. CAMMACK: Objection, form. Asked and  
6 answered.

7 A. All I can say is what Christina told me.

8 Q. (BY MR. GARZA) If you don't know, it's okay.  
9 You don't know. And that's what I understand you're  
10 saying --

11 A. He didn't say --

12 Q. -- is that right?

13 A. -- anything to me about my hair. But he did --  
14 according to Christina, he and Hyun had this joke or  
15 this comment because those were the two things that were  
16 used.

17 Q. And I think you've already told me that  
18 Christina did not tell you what the comment was or the  
19 joke?

20 MR. CAMMACK: Objection, form.

21 A. She didn't say what the joke was.

22 MR. CAMMACK: Asked and answered.

23 Q. (BY MR. GARZA) Okay.

24 A. It was a comment about my hair. Whatever the  
25 comment or the joke was, that was not shared with me.



1 Q. Okay. That's what -- thank you.

2 In the question of interrogatory number  
3 four, it states that you made comments about race  
4 discrimination. Who did you make complaints to -- of  
5 race discrimination to?

6 A. I talked to Christina about it. I expressed to  
7 her a lot about how I felt, about the way I was being  
8 mistreated. And I also sent an e-mail to Sarah Gogo.

9 Q. And Miss Gogo is corporate human resources; is  
10 that right?

11 A. Yes. I believe so.

12 Q. Did you ever receive a response from Miss Gogo?

13 A. No.

14 Q. When did you send the e-mail to Miss Gogo?

15 A. Excuse me. It was on a Friday. I sent her a  
16 couple of e-mails.

17 Q. You sent her two e-mails on that same Friday?

18 A. I didn't say I sent her two e-mails --

19 Q. You said you sent a couple of e-mails.

20 MR. CAMMACK: Hold on. Let her answer.

21 A. What I said was I sent her a couple of e-mails  
22 on separate occasions.

23 Q. (BY MR. GARZA) When was the first e-mail sent?

24 A. It was earlier in the week.

25 Q. That same week?

1 A. Yes.

2 Q. And what did -- what did you relay in that  
3 e-mail?

4 A. In which one?

5 Q. The first e-mail.

6 A. I don't really recall everything, but I think  
7 it had something to do with the things that were going  
8 on with the branch that week. But I don't recall  
9 exactly what that particular e-mail entailed.

10 Q. And what was the second e-mail, what was the  
11 content of that one?

12 A. The second e-mail was about me -- I know it had  
13 to do with race that -- I'm sure that I complained about  
14 being mistreated because of my race.

15 And what prompted me to send that e-mail  
16 was the fact that Alan Garza wanted Christina to write  
17 me up for a directive she gave me. I don't remember if  
18 I included all of that in that e-mail. I don't know.  
19 If you have it, you can show it to me, but it was  
20 surrounding -- definitely surrounding race.

21 Q. Did you receive a response from Sarah Gogo to  
22 the first e-mail?

23 A. Not that I recall.

24 Q. Did you receive a response from Sarah Gogo  
25 regarding the second e-mail?

1 A. Not that I recall, no.

2 Q. Did you -- did you call Sarah Gogo at any time  
3 during that week?

4 A. I don't recall making a phone call to her.

5 Q. And had you ever met Sarah Gogo?

6 A. Yes.

7 Q. Telephonically or --

8 A. Face-to-face.

9 Q. -- through e-mail? All right.

10 She is African American; is that right?

11 A. She looks African-American to me.

12 Q. And when you did not receive a response from  
13 Miss Gogo, why did you not call her?

14 A. Well, I wanted to give her time to respond. I  
15 think that's fair, to give her time.

16 Q. You felt like your complaint was -- was  
17 serious; isn't that right?

18 A. Yes.

19 Q. And she didn't respond to you after the first  
20 e-mail, which I don't remember, did that -- did that  
21 contain a complaint of race discrimination?

22 A. No. Not that I recall. No.

23 Q. Okay. So then the second e-mail was the one  
24 that contained a complaint of race discrimination; is  
25 that right?

1 A. Yes.

2 Q. Okay. And so you sent that e-mail to her on a  
3 Friday, you said?

4 A. Yes.

5 Q. All right. And so then how much time  
6 transpired between the date you sent that second e-mail  
7 to the time that you were terminated from employment?

8 A. The next week.

9 Q. And were you present at work on that Monday  
10 following that Friday that you sent the e-mail to  
11 Miss Gogo?

12 A. No. I was sick.

13 Q. What about Tuesday?

14 A. I was sick.

15 Q. What about Wednesday?

16 A. I was sick.

17 Q. What about Thursday?

18 A. Thursday I returned to work.

19 Q. Okay. And so that Thursday was the day on  
20 which you were terminated from employment; is that  
21 right?

22 A. No.

23 Q. Then it was the Friday?

24 A. Yes.

25 Q. So when you returned to work and you hadn't

1 heard from Miss Gogo, and nor was there any sort of  
2 response, why didn't you call her?

3 A. I just didn't call.

4 Q. You have seen documents that show that The  
5 Medical Team has an affirmative action plan, it has a --  
6 it is an equal opportunity employer, you have an open  
7 door policy that even allows you to take this issue up  
8 to the president of the company if you felt that that  
9 was necessary. Why didn't you take that opportunity?

10 A. I was following the chain of command.

11 Q. By notifying Miss Gogo?

12 A. Yes.

13 Q. And if she did not return your call or did not  
14 respond, why didn't you call the president?

15 A. I cannot take responsibility for something she  
16 did not do.

17 Q. Absolutely. But you can take responsibility  
18 for something that you yourself failed to do. Isn't  
19 that right?

20 MR. CAMMACK: Objection, form.  
21 Argumentative.

22 Q. (BY MR. GARZA) No?

23 So then what was keeping you from calling  
24 Leslie Pembroke?

25 MR. CAMMACK: Objection, form.

1 Argumentative, speculation.

2 A. That was not my responsibility. I did my part.

3 Q. (BY MR. GARZA) Okay.

4 A. I felt like I was being discriminated against  
5 based on everything that had occurred and I complained  
6 to my manager. I even complained to Linda Harvey about  
7 working in a hostile work environment. So I made  
8 complaints.

9 Q. When did you talk to Miss Harvey about this?

10 A. I don't know, but I did talk to her about the  
11 hostile work environment. I do have it in an e-mail.

12 Q. In an e-mail to Miss Harvey?

13 A. Yes.

14 Q. Does it specifically state that you were  
15 working in a hostile environments?

16 A. Yes. And I sent another -- I sent another  
17 e-mail that I recall with -- because that's what I felt.  
18 I was working in a hostile work environment.

19 Q. Okay.

20 A. I do not remember when that was sent, but I do  
21 recall the e-mail.

22 Q. And in your response to interrogatory number  
23 four -- well, let me ask you this: Do you know who made  
24 the decision to terminate your employment?

25 A. I don't know who was all involved, but I do

1 feel like it was Alan Garza. He was the reason I was  
2 terminated. I feel like he was in a position to make  
3 that decision. And again, I believe it was based on my  
4 race.

5 Q. And you believe he was the man who made the  
6 decision to terminate. Isn't that right?

7 A. I believe it was his decision.

8 MR. GARZA: Let me take about a  
9 five-minute break.

10 (At 4:29 p.m. the proceedings recessed,  
11 continuing at 4:45 p.m..)

12 MR. GARZA: Pass the witness.

13 EXAMINATION

14 BY MR. CAMMACK:

15 Q. All right. Miss Richardson, I have a couple  
16 questions before we're done today. Can you tell the  
17 ladies and gentlemen of the jury how your termination  
18 impacted you?

19 A. When I was terminated, my relationship was  
20 impacted. So because of all the financial issues, the  
21 home that I was living in, we lost the home. I -- there  
22 were times where I thought I would be homeless because I  
23 had to make a decision based on my relationship falling  
24 apart, to be on my own.

25 So there was a time when I thought that my

1 daughter and I would have to go to a homeless shelter.  
2 I called a couple of places. I ended up maxing out a  
3 credit card to pay my rent up for several months.

4 I was under a lot of stress. I was  
5 depressed. I experienced hair loss. I was diagnosed  
6 with high blood pressure and another chronic illness.  
7 But the blood pressure had been an issue that one of my  
8 physicians was concerned about.

9 Going back to the -- the home situation, I  
10 had to move into a one bedroom apartment. My daughter  
11 had to sleep on the floor. There was a lot of fear.  
12 I'm sorry. There were moments that I was fearful that I  
13 wasn't going to be able to provide the basic needs for  
14 my daughter or myself.

15 I couldn't really seek medical attention  
16 to address some of the medical problems because I either  
17 couldn't afford to go to the doctor or I didn't have  
18 insurance at all.

19 My daughter has had issues where I just --  
20 because she -- there were times where she didn't have  
21 health insurance.

22 My credit took a major hit. I couldn't --  
23 bills that I had, credit cards, student loans, my car  
24 payment, I tried my best to pay those things up for as  
25 long as I could. Because I was good about keeping all



1 my debt paid on time. There were times where my car  
2 payment got behind, my student loans got behind. I get  
3 harassing calls from creditors. I've been threatened  
4 with lawsuits, wage garnishments.

5 And my confidence, I've been traumatized  
6 by this whole experience. I still have sleepless  
7 nights. I still have worries, I still have fears.

8 There are things that my daughter, she  
9 needs. She's getting ready to go off to college.  
10 Things that I simply cannot supply for her.

11 My grandmother passed away during this  
12 whole thing, and I was -- I wasn't able to go to her  
13 funeral because I didn't have the necessary means to do  
14 so financially.

15 Things that I once enjoyed, activities  
16 that my daughter and I would engage in. There's just  
17 things that we used to do that I'm not able to do  
18 anymore.

19 Even though right now I do have health  
20 insurance, the premiums that I have to pay is expensive,  
21 so issues that need to be addressed, I haven't been able  
22 to do that.

23 And just the emotional turmoil. When I  
24 started working at the AAA and Alan showed up, and I  
25 didn't know he was on the subcommittee, I literally

1 freaked out when I saw him. It took a lot. I had to do  
2 a lot of self-talk because I had to make a presentation  
3 that day. So every time I have to see him, I'm  
4 re-traumatized all over again.

5 My job that I have now, you know, I  
6 question myself. There are fears that I have about  
7 other people making judgments or mistreating me  
8 unfairly. I have those fears. A lot of things that I  
9 didn't have before. I want it to -- I want to be able  
10 to see a mental health counselor to help me address some  
11 of these issues, but again, I haven't been able to do so  
12 because the premiums are expensive.

13 There are a lot of issues emotionally that  
14 I struggle with. I don't know if I remember mentioning  
15 hair loss. That's part of why I cut off my hair, as  
16 well as you making this joker comment, because I didn't  
17 want to be perceived by other professionals as I am  
18 interviewing, I didn't want any judgment to be made  
19 because of my natural hair. Just emotionally it's  
20 really tough to deal with.

21 And I don't know. My life has changed  
22 since all this happened to me. I mean, a lot of things  
23 have changed. Every time I have to face him again at my  
24 current job, it just brings back everything that was  
25 done to me while I worked at The Med Team.

1 I'm sure there are other things. I think  
2 I've highlighted all of the major things that impacted  
3 me the most.

4 MR. CAMMACK: We'll reserve the rest of  
5 our questions for the time of trial, and we'd like to  
6 review and sign the transcript.

7 MR. GARZA: I have a couple questions.

8 EXAMINATION

9 BY MR. GARZA:

10 Q. The relationship you said was impacted, who is  
11 that relationship with?

12 A. Frank Council.

13 Q. How to you spell his last name?

14 A. C-O-U-N-C-I-L.

15 Q. And how long of a relationship did you have  
16 with Mr. Council?

17 A. We met in 2014.

18 Q. Were you married to him?

19 A. No. But I was engaged.

20 Q. You were engaged to Mr. Council?

21 A. Yes.

22 Q. All right. Is he living in San Antonio or  
23 nearby?

24 A. No. He lives in another state.

25 Q. What state is that?

1 A. Georgia.

2 Q. And what -- what city?

3 A. Valdosta, V-A-L-D-O-S-T-A.

4 Q. All right. Do you have his address?

5 A. No.

6 Q. When is the last time you spoke with him?

7 A. We still communicate.

8 Q. And how do you communicate with him?

9 A. What do you mean?

10 Q. Well, do you e-mail him, do you call him, do  
11 you write him letters?

12 A. Just everyday conversation, we talk to each  
13 other on the phone.

14 Q. Okay. And were there issues that you and  
15 Mr. Council were having prior to the termination from  
16 employment?

17 A. No, not about anything. It was financial  
18 reasons.

19 Q. Was he employed?

20 A. Yes.

21 Q. Who was he employed by?

22 A. I don't remember.

23 Q. Is he employed now?

24 A. Yes.

25 Q. All right. Is he gainfully employed? Do he

1 has his own house?

2 A. I just know he lives in Valdosta, Georgia with  
3 his mom.

4 Q. With his mother?

5 A. Uh-huh.

6 Q. You said you lost your home. What was the name  
7 of the mortgage company?

8 A. I don't remember. The house was in his name.

9 Q. So you were not on that contract, but when the  
10 breakup happened and he moved to Georgia, you had to  
11 move to another location; right?

12 A. Yes. I've had to relocate.

13 Q. Okay. And so if your name was not on that  
14 mortgage, then your name -- your credit would not have  
15 been impacted on the loss of that home, right?

16 A. I had numerous credits, so --

17 Q. I understand. But I'm talking specifically  
18 about the mortgage.

19 A. No.

20 Q. All right. And so how much did that -- how  
21 much did Mr. Council purchase the house for?

22 A. I know it was over \$200,000.

23 Q. What was his -- did he work in San Antonio or  
24 New Braunfels when he was living on Ridge Path?

25 A. I believe it was San Antonio.

1 Q. And what kind of work did he do?

2 A. He was a truck driver. He also worked in the  
3 oil industry.

4 Q. Okay. You said you couldn't pay your bills.  
5 What kind of bills -- what bills did you have at the  
6 time that you were terminated from employment? Did you  
7 pay a power bill or water bill or anything like that?

8 A. I'm sorry. Repeat that.

9 Q. Yeah. At the time you were terminated from  
10 employment from The Med Team, were you paying a power  
11 bill, electric bill?

12 A. What -- where -- what do you mean?

13 Q. Well, I'm talking about at the house.

14 A. Yeah, I contributed to the household.

15 Q. And how much did you contribute?

16 A. I can't say. I mean, I can't give you an exact  
17 number, but there were things that I paid.

18 Q. Like what?

19 A. The cable bill.

20 Q. Okay.

21 A. The utility. I purchased household supplies,  
22 grocery, as well as contributing if there was any  
23 additional needs.

24 Q. All right. How much was the cable bill?

25 A. I don't remember.

1 Q. Was it over \$100?

2 A. It was over \$100.

3 Q. And the power bill, monthly basis, over \$100?

4 A. Over \$100.

5 Q. And cell phones?

6 A. Yes.

7 Q. You and your daughter had the same -- the same  
8 plan?

9 A. Yes.

10 Q. Okay. And how much were you paying on that?

11 A. I don't recall exactly.

12 Q. How much are you paying now?

13 A. 170-ish.

14 Q. All right. And that is through which carrier?

15 A. T-Mobile.

16 Q. You said you also have students loans.

17 Let me back up a little bit. You said you  
18 had a car payment?

19 A. Yes.

20 Q. And do you still have a car payment?

21 A. Yes.

22 Q. And how much is that payment?

23 A. The car payment, 400.

24 Q. And what kind of car is that and year?

25 A. 2015 Chevy Malibu.

1 Q. How many more months do you have to pay on  
2 that?

3 A. I have years.

4 Q. And student loans, how much do you still owe?

5 A. Over 100,000.

6 Q. And that was for your education at DeVry for  
7 the B.S. in business, I think it is?

8 A. It was for my education, undergraduate,  
9 graduate, and I did attend another university. I was  
10 working towards a master's in education.

11 Q. And what university was that?

12 A. University of Phoenix.

13 Q. And all of those were online education; is that  
14 right?

15 A. My -- the master's degrees.

16 Q. Was online?

17 A. Yes.

18 Q. And the others were on a campus?

19 A. On campus. Most of my undergraduate degree was  
20 on campus, but I did take a few courses towards the end  
21 online.

22 Q. And where is the campus?

23 A. That was in Orlando, Florida.

24 Q. You said you received creditor calls. From  
25 which creditors?



1 A. I'm sure all of them at some point because all  
2 those accounts are delinquent.

3 Q. Do you remember any specific creditors?

4 A. Of course, the -- PayPal. I had a few CitiBank  
5 accounts. I believe one CitiBank. I think one  
6 CitiBank. Wells Fargo. I mean, all the creditors, I  
7 believe I supplied that information. I can't think of  
8 all of them now. There were others because I had a few.

9 Q. All right. So you said you supplied the  
10 creditor information?

11 A. Yes.

12 Q. All right. And so which ones of those  
13 creditors threatened to garnish your wages?

14 A. I believe it was CitiBank. And I don't know if  
15 it was them per se, but that was just some of the  
16 language because you do receive other letters from other  
17 sources.

18 Q. Did you get your student loans through  
19 CitiBank?

20 A. No. I don't even remember. I know they're  
21 with AES and the Government.

22 Q. Okay. What kind of -- how much do you owe on  
23 credit cards?

24 A. A lot. I don't -- I can't remember an exact  
25 amount, but I would -- I mean, if I had to guess, I

1 would probably say more than 20,000.

2 Q. And were you current on all of your bills prior  
3 to the termination of your employment?

4 A. Yes. I was current on all of my bills.

5 Q. Did Mr. Council pay any of your credit card  
6 bills or car payment or anything along those lines?

7 A. That wasn't his responsibility.

8 Q. That's not what I asked. Did he make the  
9 payments?

10 A. No.

11 Q. You said your grandmother passed away and you  
12 couldn't go to the funeral. Where was the funeral held?

13 A. In Florida.

14 Q. What part of Florida?

15 A. Arcadia, Florida.

16 Q. Did you inform AAA had you had been terminated  
17 by The Medical Team?

18 A. Did I inform them?

19 Q. On your application, did you put on your  
20 application that you were involuntarily terminated?

21 A. I don't remember what I put on my application.

22 Q. Have you always been truthful to your employers  
23 or prospective employers in characterizing the reason  
24 for your termination from The Medical Team?

25 A. I try to be as truthful as possible.

1 Q. And so you told AAA that you were fired from  
2 The Medical Team?

3 A. I don't remember. That's been months ago I  
4 applied for that job. I do not remember.

5 Q. At any time have you been terminated because  
6 you did not truthfully inform the employer of the reason  
7 for your termination from The Medical Team?

8 A. Repeat that question.

9 MR. GARZA: Read that back.

10 (Requested testimony read back by the  
11 court reporter.)

12 A. No.

13 MR. GARZA: Pass the witness.

14 MR. CAMMACK: We have no more questions.  
15 And we'd like to review and sign the transcript.  
16  
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RENEE RICHARDSON - 12/04/2018

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CHANGES AND SIGNATURE

PAGE	LINE	CHANGE	REASON
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I, RENEE RICHARDSON, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

RENEE RICHARDSON

THE STATE OF )

COUNTY OF \_\_\_\_\_ )

RENEE RICHARDSON - 12/04/2018

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1 Before me, \_\_\_\_\_, on this day  
2 personally appeared RENEE RICHARDSON, known to me or  
3 proved to me under oath or through \_\_\_\_\_,  
4 to be the person whose name is subscribed to the  
5 foregoing instrument and acknowledged to me that they  
6 executed the same for the purposes and consideration  
7 therein expressed.

8 Given under my hand and seal of office this the  
9 \_\_\_\_\_ day of \_\_\_\_\_, 2018.

10 \_\_\_\_\_  
11 Notary Public in and for  
12 the State of \_\_\_\_\_.

RENEE RICHARDSON - 12/04/2018

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

RENEE RICHARDSON  
Plaintiff,

§  
§  
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§  
§

VS.

CIVIL ACTION  
NO. 5:18-CV-151-FB

THE MEDICAL TEAM, INC.  
d/b/a THE MED TEAM, INC.  
Defendant.

CERTIFICATE FROM THE

ORAL DEPOSITION OF RENEE RICHARDSON

DECEMBER 4, 2018

I, JOANNA M. MARTINEZ, a Certified Shorthand  
Reporter in and for the State of Texas, do hereby  
certify that the foregoing deposition is a full, true  
and correct transcript;

That the foregoing deposition of Renee  
Richardson, the Witness hereinbefore named, was at the  
time named, taken by me in stenograph, on December 4,  
2018, the said Witness having been by me first duly  
cautioned and sworn to tell the truth, the whole truth,  
and nothing but the truth, and the same were thereafter  
reduced to typewriting by me or under my direction. The  
charge for the completed deposition is \$\_\_\_\_\_ due  
from Mr. Richard G. Garza (DEFENDANT);

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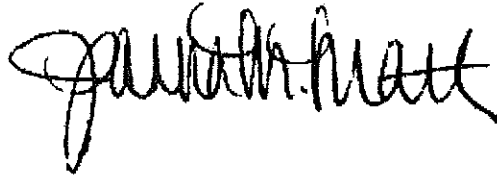
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1 That the amount of time used by each party at  
2 the deposition is as follows:

3 Mr. Richard G. Garza - 5 Hours:9 Minutes  
4 Mr. Thomas N. Cammack III- 10 Minutes

5 That this deposition transcript was sent to the  
6 Witness, on \_\_\_\_\_ for review and  
7 signature by \_\_\_\_\_, 2019, and  
8 that pursuant to the Federal Rules of Civil Procedure,  
9 review and signature of the Witness must be completed  
10 within 30 days of the Witness's receipt thereof;

11 Certified to by me this 14th day of December,  
12 2018.



13  
14  
15 JOANNA M. MARTINEZ, CSR, RPR  
16 Texas CSR 3574  
17 Expiration Date: 12/31/18  
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**young**  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**RENEE RICHARDSON**  
*Plaintiff*

**VS.**

**THE MEDICAL TEAM, INC., d/b/a  
THE MED TEAM, INC.**

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§

**CIVIL ACTION NO. 5:18-cv-00151-FB**

**ORDER**

Before the Court Is Defendant's Motion for Summary Judgment (DKT No. 26). After due consideration of this motion and Plaintiff's Response, the Court orders that Defendant's Motion for Summary Judgment is DENIED. It is therefore ORDERED that Defendant's Motion is DENIED.

Signed on \_\_\_\_\_ 2019

\_\_\_\_\_  
FRED BIERY  
UNITED STATES DISTRICT JUDGE